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BLANK ROME LLP
600 NEW HAMPSHIRE AVENUE, N.W.
WASHINGTON DC 20037

In re Application of	:	
Ausserre	:	
Application No.: 11/631,846	:	DECISION
PCT No.: PCT/FR2005/001746	:	
Int. Filing Date: 06 July 2005	:	ON
Priority Date: 07 July 2004	:	
Attorney Docket No.: 126727-00101	:	PETITION
For: Optical Component For Observing A Nanometric Sample, System Comprising Same, Analysis Method Using Same, And Uses Thereof	:	

This is in response to the petition under 37 CFR 1.47(b) filed on 13 March 2008.

BACKGROUND

This international application was filed on 06 July 2005, claimed an earliest priority date of 07 July 2004, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 09 February 2006. The 30 month time period for paying the basic national fee in the United States expired at midnight on 08 January 2007 (since 07 January 2007 was a Sunday). Applicants filed *inter alia* the basic national fee on 08 January 2007.

On 13 August 2007, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants, requiring the filing of an oath or declaration compliant with 37 CFR 1.497(a) and (b) and an English translation of the international application.

DISCUSSION

As a preliminary matter, it is noted that the English translation filed on 13 March 2008 appears to be defective because it includes 98 claims, as opposed to the 121 claims in the published international application.

Petitioner requests that the absence of the signature of the sole inventor, Mr. Dominique Ausserre, be excused because he has refused to execute the application. A petition under 37 CFR 1.47(b) must be accompanied by (1) the fee under 37 CFR 1.17(i), (2) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known addresses of the inventors, (4) an oath or declaration by the 37 CFR 1.47(b) applicant on behalf of and as agent for the non-signing inventor, (5) proof that the 37 CFR 1.47(b) applicant has sufficient proprietary interest in the application, and (6) a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage.

Regarding requirement (1), the $200.00 petition fee is being charged to Deposit Account No. 23-2185, as authorized on page 6 of the instant petition.

Regarding requirement (2), petitioner urges that the absence on the declaration of the signature of the inventor be excused on the basis that his conduct constitutes a refusal. However, petitioner has not adequately established that the inventor has failed to execute the application after being presented with a complete copy of the application papers, along with an oath or declaration for signature. It is noted that the "Declaration of Dalila Rabhi" has not been signed, so it would be inappropriate to consider the merits (if any) of the statements made therein at this time. Regarding the "Declaration of Philippe Croguennoc," paragraphs 6 and 7 reference a letter allegedly sent to and received by Mr. Ausserre, but no copy of said letter has been provided. Therefore, it is not clear whether the letter referenced, or was accompanied by, a copy of the application and/or an oath or declaration. In paragraph 9, reference is made to a letter from Mr. Ausserre, allegedly asserting that Mr. Ausserre had not received a copy of the application. No copy of said letter has been furnished. In paragraph 11, reference is made to a letter from Thierry Sachot to Mr. Ausserre, but petitioner has provided neither a copy of said letter nor a supporting statement by Mr. Sachot. As such, petitioner has not adequately demonstrated whether Mr. Ausserre has refused to execute the application (or could not be found or reached after diligent effort) within the meaning of 37 CFR 1.47(b).

Regarding requirement (3), the petition provides the last known address of the non-signing inventor.

Regarding requirement (4), the declaration filed on 13 March 2008 is suitable for purposes of compliance with 37 CFR 1.47(b) and 37 CFR 1.497(a) and (b).

Regarding requirement (5), petitioner presents a "Declaration of Martine Crombe," apparently intended as a legal memorandum as described at MPEP 409.03(f), which states in part that

> A proprietary interest obtained other than by assignment or agreement to assign may be demonstrated by an appropriate legal memorandum to the effect that a court of competent jurisdiction (federal, state, or foreign) would by the weight of authority in that jurisdiction award title of the invention to the 37 CFR 1.47(b) applicant. The facts in support of any conclusion that a court would award title to the 37 CFR 1.47(b) applicant should be made of record by way of an affidavit or declaration of the person having firsthand knowledge of same. The legal memorandum should be prepared and signed by an attorney at law familiar with the law of the jurisdiction involved. A copy (in the English language) of a statute (if other than the United States statute) or a court decision (if other than a reported decision of a federal court or a decision reported in the United States Patents Quarterly) relied on to demonstrate a proprietary interest should be made of record.

Ms. Crombe states that she is employed by a French law firm, but does not explicitly state whether she is an attorney. Ms. Crombe alludes to certain Exhibits, none of which have been made of record in this application. Moreover, she does not provide a clear indication that a court would award title in this case to the 37 CFR 1.47(b) applicant. For these reasons, it would not be appropriate to conclude that requirement (5) has been satisfied at this time.

Regarding requirement (6), the petition includes an appropriate statement.

DECISION

The petition under 37 CFR 1.47(b) is **DISMISSED**, without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(b)." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a). Failure to timely file a proper response will result in **ABANDONMENT**.

Please direct any further correspondence with respect to this matter to the Assistant Commissioner for Patents, Mail Stop PCT, P.O. Box 1450, Alexandria, VA 22313-1450, and address the contents of the letter to the attention of the Office of PCT Legal Administration.

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For: Optical Component For Observing A Nanometric Sample, System Comprising Same, Analysis Method Using Same, And Uses Thereof	:	

This is in response to the renewed petition under 37 CFR 1.47(b) filed on 19 August 2008, as well as the "Petition To Waive The Rules And For Refund"and petition under 37 CFR 1.137(b) filed on 12 August 2008.

DISCUSSION

"Petition To Waive The Rules And For Refund" and
Petition Under 37 CFR 1.137(b)

On 21 July 2008, a Notification of Abandonment (Form PCT/DO/EO/909) was mailed to applicant, indicating that this international application had become abandoned with respect to the national stage in the United States for failure to timely reply to the Decision mailed on 20 May 2008. In response, petitioner has filed a petition under 37 CFR 1.137(b), but requests waiver under 37 CFR 1.183 on the basis that the Notification of Abandonment was premature.

Review of the record reveals that the Decision mailed on 20 May 2008 set a two-month period for response, extendable under 37 CFR 1.136(a). Thus, the period for response, as maximally extended, will expire as of midnight on 22 December 2008 (since 20 December 2008 will be a Saturday). Accordingly, the Notification of Abandonment mailed on 21 July 2008 was issued in error, and it is hereby **VACATED**. The holding of abandonment is **WITHDRAWN**.

Since the Notification of Abandonment mailed on 21 July 2008 was issued in error, the petitions under 37 CFR 1.137(b) and 37 CFR 1.183 were unnecessary. Both are **DISMISSED AS MOOT**. The $1540.00 petition fee under 37 CFR 1.137(b) is being refunded to counsel's Deposit Account no. 23-2185, and the required $130.00 one-month extension of time fee under 37 CFR 1.136(a)(fee code 1251) is being charged to the same Deposit Account, per the authorization included in the petition.

Renewed Petition Under 37 CFR 1.47(b)

In the Decision mailed on 20 May 2008, the petition under 37 CFR 1.47(b) filed on 13 March 2008 was dismissed, without prejudice, because petitioner had not satisfied requirements (2) and (5).

In response, regarding requirement (2), petitioner has presented a "Declaration of Dalila Rabhi," dated 20 June 2008, which describes Ms. Rabhi's efforts to obtain Mr. Ausserre's execution of the application. As stated by Ms. Rabhi and corroborated by the accompanying documentation, said efforts included her sending a declaration and a copy of the application papers to Mr. Ausserre. Petitioner asserts that Mr. Ausserre "has not responded, now many months after receiving the request." Based on the totality of the evidence now of record, it would be appropriate to construe Mr. Ausserre's failure to return an executed oath or declaration as a refusal within the meaning of 37 CFR 1.47(b). Requirement (2) has been satisfied.

Regarding requirement (5), petitioner has provided a "Memorandum of Law..." signed by Marc Broyde, who states (in part) that

> I have reviewed the Declaration of Martine Crombe, which was also prepared on behalf of SELCO, and the exhibits attached thereto. Based on the facts and documents provided in Ms. Crombe's Declaration, and my familiarity with the French law governing this matter as provided with Ms. Crombe's Declaration, it is my opinion that a court of competent jurisdiction in France would award title in the invention and the subject patent application, including the U.S. application at issue in this matter, to SELCO.

It appears that Atty. Broyde seeks to ratify the statements made and conclusions drawn by Ms. Crombe (who states that she is not an attorney), without providing adequate substantive legal analysis of his own. That is, Mr. Broyde does not himself specifically identify which facts he is relying upon, which legal authority governs the situation, and how those facts would be analyzed in view of that authority to reach his conclusion. The mere ratification by an attorney of the analysis of a non-attorney does not satisfy the policy described at MPEP 409.03(f), nor does the mere provision of a conclusory statement that an appropriate court "would award title."

Regarding the evidence introduced by Ms. Crombe, she provides *inter alia* a translation of an employment contract between Nanoraptor and Mr. Ausserre which indicates that inventions created within the scope of employment "are the property of The Company." However, petitioner does not appear to have provided a copy of this contract signed by Mr. Ausserre. Furthermore, petitioner has not provided documentary evidence (such as statement(s) made on the basis of first-hand knowledge) that the invention in question was in fact made within the scope of Mr. Ausserre's employment with Nanoraptor.

Petitioner also has not adequately demonstrated that Nanoraptor's interest (if any) was transferred to SELCO, the 37 CFR 1.47(b) applicant. Petitioner has provided unsigned English translations (but not copies of the corresponding, signed French originals) concerning the judicial liquidation of Nanoraptor. These documents refer to "patent no. 04/07517," "patent application FR 04 04904," and also refer to the sale of "the remaining assets...," but there is no specific reference to the instant application, PCT/FR2005/001746. The sole exception is the reference (on p. 84 of the instant submission) that "it is confirmed as necessary that the patent application PCT no. PCTIFR05/0I 746... belongs to the elements transmitted in the context of the aforementioned deed of transfer of assets dated 21 and 22 December." The meaning of this translated statement is unclear; does it mean that the transfer of the other two applications automatically entails the transfer of this application, under the applicable law, or does it merely imply that the instant application "should have" been transferred along with the others? Also, as noted above, the statement is part of an unsigned document.

For these reasons, it would not be appropriate to conclude that requirement (5) has been satisfied at this time.

DECISION

The holding of abandonment is **WITHDRAWN**.

The petition under 37 CFR 1.137(b) is **DISMISSED AS MOOT**.

The petition under 37 CFR 1.183 is **DISMISSED AS MOOT**.

The petition under 37 CFR 1.47(b) is **DISMISSED**, without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(b)." No additional petition fee is required. **Extensions of time may be obtained** under 37 CFR 1.136(a). Failure to timely file a proper response will result in **ABANDONMENT**.

Please direct any further correspondence with respect to this matter to the Assistant Commissioner for Patents, Mail Stop PCT, P.O. Box 1450, Alexandria, VA 22313-1450, and address the contents of the letter to the attention of the Office of PCT Legal Administration.

/George Dombroske/

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In re Application of	:	
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Application No.: 11/631,846	:	DECISION
PCT No.: PCT/FR2005/001746	:	
Int. Filing Date: 06 July 2005	:	ON
Priority Date: 07 July 2004	:	
Attorney Docket No.: 126727-00101	:	PETITION
For: Optical Component For Observing A Nanometric Sample, System Comprising Same, Analysis Method Using Same, And Uses Thereof	:	

This is in response to the renewed petition under 37 CFR 1.47(b) filed on 24 December 2008.

DISCUSSION

Renewed Petition Under 37 CFR 1.47(b)

In the Decision mailed on 28 October 2008, the renewed petition under 37 CFR 1.47(b) filed on 19 August 2008 was dismissed, without prejudice, because petitioner had not satisfied requirement (5). Specifically, the Decision indicated that

> *It appears that Atty. Broyde seeks to ratify the statements made and conclusions drawn by Ms. Crombe (who states that she is not an attorney), without providing adequate substantive legal analysis of his own. That is, Mr. Broyde does not himself specifically identify which facts he is relying upon, which legal authority governs the situation, and how those facts would be analyzed in view of that authority to reach his conclusion. The mere ratification by an attorney of the analysis of a non-attorney does not satisfy the policy described at MPEP 409.03(f), nor does the mere provision of a conclusory statement that an appropriate court "would award title."*
>
> *Regarding the evidence introduced by Ms. Crombe, she provides inter alia a translation of an employment contract between Nanoraptor and Mr. Ausserre which indicates that inventions created within the scope of employment "are the property of The Company." However, petitioner does not appear to have provided a copy of this contract signed by Mr. Ausserre. Furthermore, petitioner has not provided documentary evidence (such as statement(s) made on the basis of first-hand knowledge) that the invention in question was in fact made within the scope of Mr. Ausserre's employment with Nanoraptor.*
>
> *Petitioner also has not adequately demonstrated that Nanoraptor's interest (if any) was transferred to SELCO, the 37 CFR 1.47(b) applicant. Petitioner has provided unsigned English translations (but not copies of the corresponding, signed French originals) concerning the judicial liquidation of Nanoraptor. These documents refer to "patent no. 04/07517," "patent application FR 04 04904," and also refer to the sale of "the remaining assets...," but there is no specific reference to the instant application, PCT/FR2005/001746. The sole*

exception is the reference (on p. 84 of the instant submission) that "it is confirmed as necessary that the patent application PCT no. PCTIFR05/0I 746... belongs to the elements transmitted in the context of the aforementioned deed of transfer of assets dated 21 and 22 December." The meaning of this translated statement is unclear; does it mean that the transfer of the other two applications automatically entails the transfer of this application, under the applicable law, or does it merely imply that the instant application "should have" been transferred along with the others? Also, as noted above, the statement is part of an unsigned document.

In response, petitioner has provided a "Supplemental Declaration of Martine Crombe," who introduces copies of the original French language documentation, including an employment contract signed by Mr. Ausserre. However, attention is drawn to numbered paragraph 16, which states that "The English translations provided in my earlier Declaration are not complete translations of the original French language documents; that is, only portions of the documents have been translated." This statement calls into question whether the incomplete translations omit facts which may be pertinent to the disposition of the instant petition. Petitioner should provide clarification of this statement and, to the extent appropriate, provide translations of any pertinent passages which have not already been translated.

Petitioner has also provided a "Supplemental Memorandum Of Law..." signed by Marc Broyde. Atty. Broyde indicates that, under Article L611-7 of the French Intellectual Property Code, inventions made by a salaried person whose effective functions have an inventive mission belong to the employer. A translation of Article L611-7 was filed on 19 August 2008. Inspection of Art. L611-7 reveals that it appears to require that the invention be "made by a salaried person in the execution of a work contract," or otherwise "during the execution of his functions or in the field of activity of the company or by reason of knowledge or use of technologies or specific means of the company or of data acquired by the company" in order for the employer to enjoy proprietary interest. Atty. Broyde should clarify whether French law in fact requires that the invention have been made in the execution of Mr. Ausserre's duties in order for SELCO to be entitled to ownership, or if instead the mere fact of his employment would result in title passing to the 37 CFR 1.47(b) applicant. If so, petitioner should provide appropriate evidence that the invention was in fact made during the execution of those duties (e.g., a first-hand statement that Mr. Ausserre's inventive activity occurred within the scope of the execution of his duties to the employer). Numbered paragraph 4 states that certain responsibilities "always involves an inventive mission," and paragraph 6 indicates that the French application was prepared and filed while Mr. Ausserre was employed by NANORAPTOR, but Mr. Broyde has not clearly stated that mere involvement with an "inventive mission" is sufficient to satisfy Art. L611-7, even without a showing that the invention was made "in the execution of a work contract," that is, without a showing that the invention was actually made, so to speak, "on the job."

In numbered paragraph 3, Atty. Broyde alludes to certain "Court Decisions," but neither specifically identifies nor provides copies of such decisions. To the extent that Atty. Broyde seeks to rely upon those decisions for any precedential value they may have, they should be specifically identified, and copies should be provided.

Petitioner is requested to provide clarification of the points discussed above.

DECISION

The petition under 37 CFR 1.47(b) is **DISMISSED**, without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request

should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(b)." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a). Failure to timely file a proper response will result in **ABANDONMENT**.

Please direct any further correspondence with respect to this matter to the Assistant Commissioner for Patents, Mail Stop PCT, P.O. Box 1450, Alexandria, VA 22313-1450, and address the contents of the letter to the attention of the Office of PCT Legal Administration.

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In re Application of Ausserre Application No.: 11/631,846 PCT No.: PCT/FR2005/001746 Int. Filing Date: 06 July 2005 Priority Date: 07 July 2004 Attorney Docket No.: 126727-00101 For: Optical Component For Observing A Nanometric Sample, System Comprising Same, Analysis Method Using Same, And Uses Thereof	:	DECISION ON PETITION

This is in response to the renewed petition under 37 CFR 1.47(b) filed on 08 September 2009.

DISCUSSION

Renewed Petition Under 37 CFR 1.47(b)

In the Decision mailed on 06 March 2009, the renewed petition under 37 CFR 1.47(b) filed on 24 December 2008 was dismissed, without prejudice, because petitioner had not satisfied requirement (5). Specifically, the Decision indicated that

> In response, petitioner has provided a "Supplemental Declaration of Martine Crombe," who introduces copies of the original French language documentation, including an employment contract signed by Mr. Ausserre. However, attention is drawn to numbered paragraph 16, which states that "The English translations provided in my earlier Declaration are not complete translations of the original French language documents; that is, only portions of the documents have been translated." This statement calls into question whether the incomplete translations omit facts which may be pertinent to the disposition of the instant petition. Petitioner should provide clarification of this statement and, to the extent appropriate, provide translations of any pertinent passages which have not already been translated.
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> Petitioner has also provided a "Supplemental Memorandum Of Law..." signed by Marc Broyde. Atty. Broyde indicates that, under Article L611-7 of the French Intellectual Property Code, inventions made by a salaried person whose effective functions have an inventive mission belong to the employer. A translation of Article L611-7 was filed on 19 August 2008. Inspection of Art. L611-7 reveals that it appears to require that the invention be "made by a salaried person in the execution of a work contract," or otherwise "during the execution of his functions or in the field of activity of the company or by reason of knowledge or use of technologies or specific means of the company or of data acquired by the company" in order for the employer to enjoy proprietary interest. Atty. Broyde should clarify whether French law in fact requires that the invention have been made in the execution of Mr. Ausserre's duties in order for SELCO to be entitled to ownership, or if instead the mere fact of his employment would result in title

passing to the 37 CFR 1.47(b) applicant. If so, petitioner should provide appropriate evidence that the invention was in fact made during the execution of those duties (e.g., a first-hand statement that Mr. Ausserre's inventive activity occurred within the scope of the execution of his duties to the employer). Numbered paragraph 4 states that certain responsibilities "always involves an inventive mission," and paragraph 6 indicates that the French application was prepared and filed while Mr. Ausserre was employed by NANORAPTOR, but Mr. Broyde has not clearly stated that mere involvement with an "inventive mission" is sufficient to satisfy Art. L611-7, even without a showing that the invention was made "in the execution of a work contract," that is, without a showing that the invention was actually made, so to speak, "on the job."

In numbered paragraph 3, Atty. Broyde alludes to certain "Court Decisions," but neither specifically identifies nor provides copies of such decisions. To the extent that Atty. Broyde seeks to rely upon those decisions for any precedential value they may have, they should be specifically identified, and copies should be provided.

In response, petitioner has provided a "Second Supplemental Declaration of Martine Crombe," accompanied by "a true and correct copy of a complete English translation of the contract," and indicates that certain personal information has been redacted. Petitioner also has provided a "Second Supplemental Memorandum of Law..." signed by Atty. Marc Broyde. Atty. Broyde has satisfied the concerns raised in the previous Decision, and has provided copies and translations of the legal authority relied upon in the Memorandum. In view of the totality of the evidence currently of record, it would be appropriate to conclude that requirement (5) has been satisfied. As such, all of the conditions for relief pursuant to 37 CFR 1.47(b) now have been satisfied.

DECISION

The petition under 37 CFR 1.47(b) is **GRANTED**.

As provided in 37 CFR 1.47(b), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(b) will be published in the Official Gazette.

The declaration filed on 13 March 2008 is **ACCEPTED** for purposes of compliance with 37 CFR 1.497(a) and (b).

The application is being returned to the National Stage Processing Branch for processing as the U.S. National Stage of the above-identified international application. This processing will include correcting the PALM application status to show the application as pending, not abandoned. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **12 August 2008** (the date the translation of the claims was filed).

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Dominique Ausserre
Les Ardriers
F-72370 Soulitre
FRANCE

In re Application of
Ausserre
Application No.: 11/631,846
PCT No.: PCT/FR2005/001746
Int. Filing Date: 06 July 2005
Priority Date: 07 July 2004
Attorney Docket No.: 126727-00101
For: Optical Component For Observing A Nanometric Sample, System Comprising Same, Analysis Method Using Same, And Uses Thereof

Dear Mr. Ausserre:

You are named as the inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(b), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as the inventor.

As the named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3283. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Requests for information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1(800) 972-6382 (outside the Washington D.C. area).

Any further correspondence with respect to this matter should be addressed to the Assistant Commissioner for Patents, Mail Stop PCT, P.O. Box 1450, Alexandria, VA 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/George Dombroske/
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OFFICIAL GAZETTE NOTICE

37 CFR 1.47 Notice by Publication

Notice is hereby given of the filing of an application with a petition under 37 CFR 1.47 requesting acceptance of the application without the signature of the inventor. The petition has been granted. A notice has been sent to the last known address of the non-signing inventor. The inventor whose signature is missing (Dominique AUSSERRE) may join in the application by promptly filing an appropriate oath or declaration complying with 37 CFR 1.63. The international application number is PCT/FR2005/001746 and was filed on July 6, 2005 in the name of Dominique AUSSERRE for the invention entitled OPTICAL COMPONENT FOR OBSERVING A NANOMETRIC SAMPLE, SYSTEM COMPRISING SAME, ANALYSIS METHOD USING SAME, AND USES THEREOF. The national stage application number is 11/631,846 and has a 35 U.S.C. 371(c)(1), (2) and (4) date of August 12, 2008.

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In re Application of	:	DECISION ON
SANDRIN, Patrice et al.	:	
Application No. 11/631,865	:	
PCT No.: PCT/FR2005/000565	:	
Int. Filing Date: 03 March 2005	:	PETITION UNDER
Priority Date: 03 March 2004	:	
Attorney's Docket No.: 0517-1082	:	
For: LIFE-SAVING CLOTHING	:	
	:	37 CFR §1.137(b)

This petition decision is in response to Applicant's "PETITION TO REVIVE UNINTENTIONALLY ABANDONED APPLICATION UNDER 37 CFR 1.137(b)," filed on 08 January 2007. The Petition identifies the Applicant as being entitled to small entity status. The small entity fee for the Petition in the amount of $750 was paid by deposit account charge on 08 January 2007.

BACKGROUND

On 03 March 2005, the above-identified international application was filed with a claimed foreign priority date of 03 March 2004. Under 37 CFR §1.495(b), Applicant must submit to the United States Patent and Trademark Office (USPTO) the items identified in 37 CFR §1.495(b) no later than 30 months from the date of priority to avoid abandonment. In the instant application, the thirty-month date would be 03 September 2006. The instant application became abandoned as to the United States on 04 September 2006 for failure to pay the basic national fee.

On 08 January 2007, a "Transmittal Letter To The United States Designated/Elected Office (DO/EO/US) Concerning A Submission Under 35 USC 371" was received in the United States Patent and Trademark Office (USPTO) including the required fees. The 08 January 2007 Letter was accompanied by a "Petition to Revive An Unintentionally Abandoned Application

Under 37 CFR 1.137(b)" with the small entity petition fee of $750 as provided for in 37 CFR §1.17(m).

DISCUSSION

Under 37 CFR §1.137(b), a grantable petition for revival of an unintentionally abandoned application must be accompanied by: (1) the reply required to the outstanding Office action or notice, unless previously filed; (2) the petition fee as set forth in 37 CFR §1.17(m); (3) a statement under 37 CFR §1.137(b)(3) that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR §1.137(b) was unintentional; and (4) any terminal disclaimer that may be required under 37 CFR §1.137(d).

The Petitioner has submitted the basic national filing fee (small entity) of $150 by check on 08 January 2007, has submitted petition fee (small entity) of $750 by deposit account charge on 08 January 2007, and has stated that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR §1.137(b) was unintentional. No terminal disclaimer has been supplied, and no terminal disclaimer is required.

DECISION

For the reasons set forth above, the petition under 37 CFR §1.137(b) is hereby **GRANTED**.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) to continue processing of the application.

Bernarr E. Gregory
Office of PCT Legal Administration

Boris Milef
PCT Legal Examiner
Office of PCT Legal Administration

UNITED STATES PATENT AND TRADEMARK OFFICE

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13 AUG 2008

VAN DYKE, GARDNER, LINN & BURKHART, LLP
SUITE 207
2851 CHARLEVOIX DRIVE, S.E.
GRAND RAPIDS, MI 49546

In re Application of RODGERS et al	:	
U.S. Application No.: 11/631,878	:	
PCT Application No.: PCT/EP2005/007452	:	
Int. Filing Date: 07 July 2005	:	DECISION
Priority Date Claimed: 07 July 2004	:	
Attorney Docket No.: KEL01 P-155	:	
For: A METHOD AND APPARATUS FOR	:	
BIOLOGICALLY PROCESSING FLUID	:	

This is in response to the declaration filed 12 February 2008, which is being treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 07 July 2005, applicant filed international application PCT/EP2005/007452, which claimed priority of an earlier Ireland application filed 07 July 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 12 January 2006. The thirty-month period for paying the basic national fee in the United States expired on 08 January 2007 (07 January 2007 was a Sunday).

On 08 January 2007, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 13 November 2007, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 12 February 2008, applicant filed the present request for status under 37 CFR 1.42, including executed declarations.

DISCUSSION

The declaration filed 12 February 2008 is executed by the legal representative of joint inventor John Mulqueen.

37 CFR 1.42 provides, "In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent."

Effective 07 November 2000, 37 CFR 1.497(b)(2) specifies that, where a person making the declaration is the legal representative of a deceased inventor, the declaration shall state the following: (1) the relationship of the person to the inventor, (2) the facts the inventor would have been required to state, upon information and belief, (3) that the person is the legal representative of the deceased inventor, and (4) the citizenship, residence, and mailing address of the legal representative.

The declaration is improper for the following reasons. First, neither the declaration nor any accompanying paper states that John Mulqueen is deceased. Furthermore, the declaration fails to state the name of the legal representative. Moreover, the declaration fails to state the citizenship of one of the deceased inventor and the legal representative. Applicant is advised that the single indication of citizenship in the signature block cannot be used for both the deceased inventor and the legal representative. Additionally, the declaration contains a non-initialed and non-dated alteration. See 37 CFR 1.52(c).

CONCLUSION

For the reasons above, the request for status under 37 CFR 1.42 is DISMISSED without prejudice.

If reconsideration on the merits of the request is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Failure to timely file a proper response will result in ABANDONMENT of the application. Extensions of time are available under 37 CFR 1.136(a). Any reconsideration request should include a cover letter entitled "Renewed Request for Status Under 37 CFR 1.42".

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
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2 8 JAN 2009

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In re Application of RODGERS et al	:	
U.S. Application No.: 11/631,878	:	
PCT Application No.: PCT/EP2005/007452	:	
Int. Filing Date: 07 July 2005	:	DECISION
Priority Date Claimed: 07 July 2004	:	
Attorney Docket No.: KEL01 P-155	:	
For: A METHOD AND APPARATUS FOR	:	
BIOLOGICALLY PROCESSING FLUID	:	

This is in response to the "Renewed Request for Status Under 37 CFR 1.42" filed 13 November 2008.

BACKGROUND

On 07 July 2005, applicant filed international application PCT/EP2005/007452, which claimed priority of an earlier Ireland application filed 07 July 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 12 January 2006. The thirty-month period for paying the basic national fee in the United States expired on 08 January 2007 (07 January 2007 was a Sunday).

On 08 January 2007, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 13 November 2007, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 12 February 2008, applicant filed a request for status under 37 CFR 1.42, including executed declarations.

On 13 August 2008, this Office mailed a decision dismissing the 12 February 2008 request for status.

On 13 November 2008, applicant filed the present renewed request for status under 37 CFR 1.42, along with a newly executed declaration.

DISCUSSION

The renewed request for status states that joint inventor John Mulqueen is deceased.

37 CFR 1.42 provides, "In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent."

Effective 07 November 2000, 37 CFR 1.497(b)(2) specifies that, where a person making the declaration is the legal representative of a deceased inventor, the declaration shall state the following: (1) the relationship of the person to the inventor, (2) the facts the inventor would have been required to state, upon information and belief, (3) that the person is the legal representative of the deceased inventor, and (4) the citizenship, residence, and mailing address of the legal representative.

The declaration filed 13 November 2008 is in compliance with 37 CFR 1.42 and 37 CFR 1.497.

CONCLUSION

For the reasons above, the renewed request for status under 37 CFR 1.42 is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 07 July 2005, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 13 November 2008.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

Bryan Lin

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COLLARD & ROE, P.C.
1077 NORTHERN BOULEVARD
ROSLYN, NY 11576

Mail Date: 04/21/2010

Applicant	: Josef Theurer	: DECISION ON REQUEST FOR
Patent Number	: 7661369	: RECALCULATION of PATENT
Issue Date	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/631,888	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/08/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **325** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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0 8 JUL 2008

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SUITE 207
2851 CHARLEVOIX DRIVE, S.E.
GRAND RAPIDS MI 49546

In re Application of	:	
RODGERS, et al.	:	
U.S. Application No.: 11/631,897	:	DECISION ON PETITION
PCT No.: PCT/EP05/07453	:	
Int. Filing Date: 07 July 2005	:	UNDER 37 CFR 1.47(a)
Priority Date: 07 July 2004	:	
Attorney Docket No.: KEL01 P-154	:	
For: A BIOFILM REACTOR	:	

This decision is in response to the applicant's petition under 37 CFR §1.47 (a) filed 21 April 2008 in the United States Patent and Trademark Office (UPSTO) to accept the application without the signature of joint inventor John Predergast. As authorized, the $200.00 petition fee will be charged to deposit account number 22-0190.

BACKGROUND

On 07 July 2005, applicant filed international application PCT/EP05/07453 which claimed priority to an earlier application filed 07 July 2004. A copy of the International Application was forwarded to the United States Patent and Trademark Office (USPTO) from the International Bureau (IB) on 12 January 2006. The thirty-month period for paying the basic national fee in the United States expired at midnight on 07 January 2007.

On 08 January 2007, applicant filed a transmittal letter for entry into the national stage in the United States which was accompanied by the requisite basic national fee; an Application Data Sheet and a first preliminary amendment.

On 20 December 2007, applicant was mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371" (Form PCT/DO/EO/905) informing applicant of the need to provide an oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date. Applicant was afforded two months to file the proper reply and informed that this period could be extended pursuant to 37 CFR 1.136(a).

On 21 April 2008, applicant filed the present petition under 37 CFR 1.47 accompanied by a petition for a two-month extension of time and payment of the extension of time fee. With the payment of the two-month extension of time fee, the present response is considered timely filed. (It is noted that 20 April 2008 was a Sunday and the present petition was filed on the next business day, 21 April 2008).

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint investor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor. Applicant has satisfied items (1) and (3) above.

Regarding item (2), Section 409.03(d) of the Manual of Patent Examining Procedure (MPEP) states, in part:

> Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made.
>
> The fact that a nonsigning inventor is on vacation or out of town and is therefore temporarily unavailable to sign the declaration is not an acceptable reason for filing under 37 CFR 1.47... The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as Internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should include a statement of facts. It is important that the statement contain facts as opposed to conclusions.

In the present case, applicant has not provided any evidence to support the contention that the inventor cannot be located despite a diligent effort. As shown above, the fact that the inventor is on vacation is not a sufficient reason for proceeding pursuant to 37 CFR 1.47(a).

Regarding item (4), while applicant has submitted a declaration signed by the remaining inventors on their own and on behalf of the non-signing inventors, however, the declaration does not comply with 37 CFR 1.497.

37 CFR 1.42 When the Inventor is Dead, states, in part:

"In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent."

The declaration submitted on 21 April 2008 was executed by Ms. Rose Mulqueen as legal executor of the estate of deceased inventor, John Mulqueen. However, the filed declaration does not satisfy the requirements under 37 CFR 1.497(b). Specifically, the oath or declaration must provide the citizenship, residence, and mailing address of both the deceased inventor and the legal representative. The present declaration provides only one set of information for the

signature block where Ms. Mulqueen has executed the declaration. Since applicant has filed an application data sheet, the declaration must at a minimum provide the citizenship of the inventor and the citizenship, residence, and mailing address for the legal representative.

In light of the above it is not possible to grant applicant's petition under 37 CFR 1.47(a) at this time.

CONCLUSION

For the reasons stated above, applicant's petition under 37 CFR 1.47(a) and request for status under 37 CFR 1.42 are **DISMISSED without prejudice**.

Any reconsideration on the merits of this petition must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a) and Request For Status Under 37 CFR 1.42." Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be directed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

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UNITED STATES PATENT AND TRADEMARK OFFICE

09 FEB 2009

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In re Application of	:	
RODGERS, et al.	:	
U.S. Application No.: 11/631,897	:	DECISION ON PETITIONS
PCT No.: PCT/EP05/07453	:	
Int. Filing Date: 07 July 2005	:	UNDER 37 CFR 1.47(a)
Priority Date: 07 July 2004	:	
Attorney Docket No.: KEL01 P-154	:	1.42 AND 1.181
For: A BIOFILM REACTOR	:	

This decision is in response to the applicant's petitions under 37 CFR 1.47 (a), 37 CFR 1.42 and 37 CFR 1.181 filed 07 January 2009 in the United States Patent and Trademark Office (UPSTO) to accept the application without the signature of joint inventor John Predergast.

BACKGROUND

On 08 July 2008, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.47(a) which included a discussion of 37 CFR 1.42 as one of the inventors was identified on the filed declaration as deceased. Applicant was afforded two months to file any request for reconsideration and advised that this period could be extended pursuant to 37 CFR 1.136(a).

On 25 September 2008, applicant was mailed a "Notification of Abandonment" (Form PCT/DO/EO/909) indicating that the above-identified application was abandoned for failure to respond the decision mailed 08 July 2008.

On 07 January 2009, applicant filed the present petition under 37 CFR 1.47 accompanied by a petition for a four-month extension of time and payment of the extension of time fee. With the payment of the four-month extension of time fee, the present response is considered timely filed.

DISCUSSION

I. Petition Under 37 CFR 1.181 to Withdraw The Holding of Abandonment

As shown above, the period for responding to the decision was extendable pursuant to 37 CFR 1.136(a). Therefore, the failure to respond prior to 08 September 2008 did not result in the abandonment of the application and it is proper to grant applicant's petition under 37 CFR 1.181 at this time.

II. Renewed Petition Under 37 CFR 1.47(a)

As detailed in the decision mailed 08 July 2008, a petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint investor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor. Applicant previously satisfied items (1) and (3) above.

Applicant has presently provided a supplemental declaration executed by the previously non-signing inventor, John Predergast. Therefore, the renewed petition under 37 CFR 1.47(a) is dismissed as moot.

III. Renewed Request For Status Under 37 CFR 1.42

As discussed in the previous decision, 37 CFR 1.42 states in part:

"In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent."

The declaration submitted on 21 April 2008 was executed by Ms. Rose Mulqueen as legal executor of the estate of deceased inventor, John Mulqueen. However, the declaration provided only one set of information for the signature block where Ms. Mulqueen had executed the declaration. Applicant has presently provided a supplemental declaration executed by Ms. Rose Mulqueen as legal executor which provides the citizenship, residence, and mailing address of both the deceased inventor and the legal representative.

CONCLUSION

For the reasons stated above, applicant's petition under 37 CFR 1.181 to withdraw the holding of abandonment is **GRANTED**.

The Form PCT/DO/EO/909 mailed 25 September 2008 is hereby **VACATED**.

Applicant's renewed petition under 37 CFR 1.47(a) is **DISMISSED as moot**.

Applicant's request for status under 37 CFR 1.42 is **GRANTED**.

This application has an international application filing date of 07 July 2005 and will be given a date of **07 January 2009** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being returned to the DO/EO/US for processing in accordance with this decision.

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UNITED STATES PATENT AND TRADEMARK OFFICE

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PITTSBURGH, PA 15219

Mail Date: 04/21/2010

Applicant	: Akifusai Ohnishi	: DECISION ON REQUEST FOR
Patent Number	: 7611631	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/631,898	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/08/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **190** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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Mail Date: 05/18/2010

Applicant : Akifusai Ohnishi
Patent Number : 7611631
Issue Date : 11/03/2009
Application No : 11/631,898
Filed : 01/08/2007

: NOTICE CONCERNING IMPROPER
: CALCULATION OF PATENT TERM
: ADJUSTMENT BASED UPON USPTO
: IMPROPERLY MEASURING REDUCTION
: PERIOD UNDER 37 CFR 1.704(c)(10).

The United States Patent and Trademark Office (USPTO) discovered that in processing the recent recalculation decisions mailed in response to patentee's filed Request for Recalculation of Patent Term Adjustment in view of Wyeth, the USPTO improperly measured the reduction period for reductions under 37 CFR 1.704(c)(10). Pursuant to 37 CFR 1.704(c)(10), patentee's reduction begins on the date of filing the amendment under 37 CFR 1.312 ("1.312 amendment") or other related paper and ends on the date that the Office mails a response to the filing of the 1.312 amendment or other paper. It has been discovered that during the recalculation, the calculation failed to the limit the reduction to the mail date of the response to the 1.312 amendment or other paper. Accordingly, patentee's reductions were greater than warranted.

This notice **VACATES** the previous GRANTED request for recalculation and provides patentee with a revised GRANTED recalculation.

The patent term adjustment has been determined to be **273** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of patent term adjustment (PTA) days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days** from the mail date of this notice, whichever is longer, to file a request for reconsideration of this PTA calculation. See 35 U.S.C. § 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4).

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this PTA calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2), and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this PTA calculation, including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right of review of the USPTO's PTA determination in the United States District Court for the District of Columbia, patentee must ensure that the steps required under 35 U.S.C. § 154 (b)(4) are taken in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. § 154(b)(4).

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14 SEP 2007

RATNERPRESTIA
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VALLEY FORGE, PA 19482-0980

In re Application of	:	
EGGER et al.	:	
Application No.: 11/631,924	:	DECISION ON PETITION
PCT No.: PCT/AT05/00239	:	UNDER 37 CFR 1.137(b)
Int. Filing Date: 28 June 2005	:	
Priority Date: 06 July 2004	:	
Attorney Docket No.: FRZ-116US	:	
For: COUPLING MUFF CONNECTION COMPRISING A THREE-PART ADAPTER SUPPORTING PLATE	:	

The petition to revive under 37 CFR 1.137(b) filed 06 August 2007 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has submitted the basic national fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

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UNITED STATES PATENT AND TRADEMARK OFFICE

19 JUN 2008

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ALEXANDRIA VA 22314

In re Application of:
KEMP, Thomas, et al. :
U.S. Application No.: 11/631,944 :
PCT No.: PCT/EP2005/007403 :
Int'l Filing Date: 08 July 2005 :
Priority Date: 09 July 2004 :
Attorney's Docket No.: 300746US8X PCT :
For: METHOD FOR CLASSIFYING MUSIC :

DECISION ON PETITION
(37 CFR 1.47(a))

This decision is issued in response to applicants' "Petition Under 37 CFR 1.47(a)" filed 15 February 2008. Applicants have submitted the required $200 petition fee.

BACKGROUND

On 08 July 2005, applicants filed international application PCT/EP2005/007403. The international application claimed a priority date of 09 July 2004, and it designated the United States. On 19 January 2006, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 09 January 2007.

On 09 January 2007, applicants filed a Transmittal Letter for entry into the U.S. national stage accompanied by, among other materials, payment of the basic national fee.

On 19 July 2007, the United States Designated/Elected Office (DO/EO/US) mailed a Notification Of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 and the surcharge for filing the oath or declaration later than thirty months after the priority date were required.

On 15 February 2008, applicants filed the "Petition Under 37 CFR 1.47(a)" considered herein, requesting acceptance of the application without the signature of co-inventor Marta TOLOS, whom applicants assert has refused to execute the application. The petition was accompanied by payment of the required five-month extension fee and the surcharge required by the Notification Of Missing Requirements.

DISCUSSION

A grantable petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17; (2) a statement of the last known address of the non-signing inventor; (3) an oath or declaration by the other inventors on behalf of themselves and the non-signing inventor; and (4) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort.

Applicants here have submitted the required petition fee, and the petition sets forth the last known address of the non-signing inventor. Accordingly, items (1) and (2) are satisfied.

Regarding item (3), section 409.03(a) of the Manual of Patent Examining Practice (MPEP) states that:

> An oath or declaration signed by all the available joint inventors with the signature block of the nonsigning inventor(s) left blank may be treated as having been signed by all the joint inventors on behalf of the nonsigning inventor(s), unless otherwise indicated.

The petition includes a declaration containing an unsigned signature box identifying the non-signing inventor, Marta TOLOS; the declaration is executed by the other inventor of record, Thomas KEMP. This declaration may be treated as having been executed by the available inventor on his own behalf and on behalf of the non-signing inventor. Item (3) is therefore satisfied.

Regarding item (4), the petition asserts that the non-signing inventor has refused to execute the declaration. Where it is asserted that an inventor has refused to execute the application papers, section 409.03(d) of the MPEP states that a "copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney." The MPEP also requires "a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made." Here, applicants have provided a firsthand statement from Jessica Voight, with documentary support, demonstrating that a request for signature (accompanied by a copy of the complete application) was forwarded to the non-signing inventor, and that the inventor failed to provide the requested signature in response to such request. Item (4) is therefore satisfied.

Based on the above, applicants have satisfied all the requirements for a grantable petition under 37 CFR 1.47(a).

CONCLUSION

Applicants' petition under 37 CFR 1.47(a) is **GRANTED**. The application is accepted without the signature of inventor Marta TOLOS.

A notice of the acceptance of the application will be published in the Official Gazette, and a letter informing the inventor of the application will be forwarded to the non-signing inventor at her last-known address, as set forth in the petition.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 15 February 2008.

Richard M. Ross
Attorney Advisor
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Facsimile: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

19 JUN 2008

Commissioner for Patents
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Marta TOLOS
C/Congres 10
08340 Vilassar del Mar
SPAIN

In re Application of: KEMP, Thomas, et al.
U.S. Application No.: 11/631,944
PCT No.: PCT/EP2005/007403
Int'l Filing Date: 08 July 2005
Priority Date: 09 July 2004
Attorney's Docket No.: 300746US8X PCT
For: METHOD FOR CLASSIFYING MUSIC

Dear Ms. TOLOS:

You are identified as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Richard M. Ross
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Counsel Of Record:
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA VA 22314

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05 MAY 2008

Nexsen Pruet, LLC
PO Drawer 2426
Columbia, SC 29202-2426

In re Application of	:	
THALNER et al.	:	
Application No.: 11/631,982	:	
PCT No.: PCT/EP05/53293	:	
Int. Filing: 08 July 2005	:	DECISION ON PETITION
Priority Date: 14 July 2004	:	UNDER 37 CFR 1.47(a)
Attorney Docket No.: 40045-05 US	:	
For: ELECTROLUMINESCENT PANEL AND METHOD FOR THE PRODUCTION THEREOF	:	

This decision is issued in response to applicants' "Declaration of Facts Regarding Non-Signing Inventor" which is being treated as a Petition under 37 CFR 1.47(a)" filed 06 November 2007 to accept the application without the signature of joint inventor, Christoph Thalner. The $200 petition fee has been submitted.

BACKGROUND

On 08 July 2005, applicants filed international application PCT/EP05/53293 which claimed a priority date 14 July 2004. Pursuant to 37 CFR 1.495, the period for paying the basic national fee in the United States expired 30 months from the priority date, 14 January 2007.

On 09 January 2007, applicants filed a transmittal for entry into the national stage in the United States, which accompanied by, inter alia: the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a translation of the international application; and a preliminary amendment.

On 06 November 2007, applicants filed a petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17, (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and behalf of the nonsigning joint inventor. Items (1), (3) and (4) have been satisfied.

Regarding item (2) above, petitioner states that Christoph Thalner has refused to sign the application. Section 409.03(d) of the Manual of Patent Examining Procedure (M.P.E.P.), **Proof of Unavailability or Refusal**, states, in part:

> Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.
>
> Proof that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.
>
> When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

A review of the present petition reveals that applicant has not satisfied the item (2) above, in that, the applicants have not shown that a bona fide attempt was made to present the application papers, including the specification, claims, and drawings to Christoph Thalner. Petitioner has provided a copy of a cover letter and delivery certificate to Christoph Thalner. However, petitioner fails to provide evidence that a complete copy of the application was mailed to the nonsigning inventor. The mailing of a Declaration/Power of Attorney and Assignment are not considered a complete copy of the application papers. Lastly, the statement regarding the mailing constitutes secondhand knowledge, in that, the mailing to which the petitioner is averring to was conducted by Pierre Ramoni.

As stated above, in order to meet the requirements of 37 CFR 1.47(a) and Section 409.03(d) of the MPEP, a statement of facts is needed from a person having first hand knowledge of the facts that a complete copy of the application papers were sent to Christoph Thalner and when such papers were sent and that Christoph Thalner has subsequently refused to execute the application. It is noted that all evidence must be translated into English.

For the reasons stated above, it would not be appropriate to accept the application without the signature of Christoph Thalner under 37 CFR 1.47(a) at this time.

CONCLUSION

The petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTH** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required.

Any further correspondence with respect to this matter should be addressed to: Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Anthony Smith
Attorney-Advisor
Office PCT Legal Administration
Tel.: 571-272-3298
Facsimile: 571-273-0459

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18 AUG 2008

Christoph Thalner
Rohrbachestrasse 58
2620 Neunkirchen Austria

In re Application of
THALNER et al.
Application No.: 11/631,982
PCT No.: PCT/EP05/53293
Int. Filing: 08 July 2005
Priority Date: 14 July 2004
Attorney Docket No.: 40045-05 US
For: ELECTROLUMINESCENT PANEL AND METHOD FOR THE PRODUCTION THEREOF

Dear Christoph Thalner:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Anthony Smith
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Telephone: (571) 272-3298

Counsel of Record:
Nexsen Pruet, LLC
PO Drawer 2426
Columbia, SC 29202-2426

UNITED STATES PATENT AND TRADEMARK OFFICE

1 8 AUG 2008

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Alexandria, VA 22313-1450
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Nexsen Pruet, LLC
PO Drawer 2426
Columbia, SC 29202-2426

In re Application of
THALNER et al.
Application No.: 11/631,982
PCT No.: PCT/EP05/53293
Int. Filing: 08 July 2005
Priority Date: 14 July 2004
Attorney Docket No.: 40045-05 US
For: ELECTROLUMINESCENT PANEL AND METHOD FOR THE PRODUCTION THEREOF

DECISION ON PETITION UNDER 37 CFR 1.47(a)

In a decision mailed by this Office on 05 May 2008, applicants' petition under 37 CFR 1.47(a) was dismissed without prejudice for failing to satisfy all the requirements of a grantable petition. Specifically, petitioner had not submitted adequate evidence that the nonsigning inventor had received a copy of the complete application papers and refused to execute application.

On 30 June 2008, petitioner filed the renewed petition considered herein. The renewed petition includes a statement from Dr. Gilles Robert and Pierre Ramoni,with accompanying documents, which provides the required firsthand evidence that a copy of the complete application was delivered to the inventor at his last known address, and that he has not provided the executed declaration, as requested. These materials satisfy the outstanding requirements for a grantable petition under 37 CFR 1.47(a). The petition under 37 CFR 1.47(a) is GRANTED.

The application is accepted without the signature of nonsigning inventor Christoph Thalner. A notice of the acceptance of the application will be published in the Official Gazette, and a letter informing the nonsigning inventor of the application will be forwarded to the inventor's last-known address, as set forth in the petition.

The application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for further processing.

Anthony Smith
Attorney-Advisor
Office PCT Legal Administration
Tel.: 571-272-3298
Facsimile: 571-273-0459

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22 JAN 2007

KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE CA 92614

In re Application of:
KRANTZ, Jeffrey
U.S. Application No.: 11/631,984
PCT No.: PCT/US2005/005048
International Filing Date: 16 February 2005
Priority Date: 09 March 2004
Atty Docket No.: 3KTECH.001NP
For: SYSTEM AND METHOD FOR REMOVING BRAKE DUST AND OTHER POLLUTANTS

DECISION ON PETITION

The petition for revival under 37 CFR 1.137(b) filed 09 January 2007 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" satisfies the requirements of 37 CFR 1.137(b)(3).

Applicant has now submitted the small entity basic national fee, and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application is granted as to the national stage in the United States of America.

It is noted the 09 January 2007 submission included an executed declaration in compliance with 37 CFR 1.497. Deposit Account No. 11-1410 will be charged the small entity surcharge required for filing the declaration later than thirty months after the priority date.

This application is being referred to the National Stage Processing Division of the Office of PCT Operations for further processing in accordance with this decision, including charging applicant for the search and examination fee, as well as any necessary extra claims fees. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 09 January 2007.

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
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Michael R. Henson & Associates, LLC
5613 DTC Parkway
Suite 240
Greenwood Village, CO 80111

MAILED

JUL 06 2009

OFFICE OF PETITIONS

In re Application of	:	
Carl G. Waldenstrom, et al.	:	
Application No. 11/632,015	:	DECISION ON PETITION
Filed: June 13, 2008	:	TO WITHDRAW
Attorney Docket No. 2073 PCT	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 28, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Michael R. Henson on behalf of all attorneys of record. All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor Michael R. Henson at the address indicated below.

Telephone inquiries concerning this decision should be directed to Terri Williams at 571-272-2991.

Terri Williams

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Carl G. Waldenstrom**
26 Caleridge Court
Highlands Ranch, CO 80130

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/632,015	06/13/2008	Carl G. Waldenstrom	2073 PCT

CONFIRMATION NO. 1539

POWER OF ATTORNEY NOTICE

OC000000036783624

74043
Michael R. Henson & Associates, LLC
5613 DTC Parkway
Suite 240
Greenwood Village, CO 80111

Date Mailed: 07/06/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/28/2009.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/tswilliams/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN, NJ 08830

Mail Date: 05/05/2010

Applicant	: Axel Butterlin	: DECISION ON REQUEST FOR
Patent Number	: 7624708	: RECALCULATION of PATENT
Issue Date	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/632,019	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/09/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **305** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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DAVIDSON, DAVIDSON & KAPPEL, LLC
485 7TH AVENUE
14TH FLOOR
NEW YORK NY 10018

COPY MAILED
JAN 16 2009

Applicant: Delons, et al.
Appl. No.: 11/632,021
International Filing Date: July 7, 2005
Title: PROCESS FOR THE SEPARATION AND PURIFICATION OF HAFNIUM AND ZIRCONIUM
Attorney Docket No.: 12467/11
Pub. No.: 2008/0031791 A1
Pub. Date: February 7, 2008

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on April 4, 2008 for the above-identified application.

Applicant requests that the application be republished because the patent application publication contains material errors in claims 30 and 33.

The request is GRANTED.

The corrected patent application publication will be published in due course, unless the patent issues before the application is republished.

It would greatly benefit the Office if **applicant did not provide copies of papers**, which were previously submitted and/or **a complete copy of the pre-grant publication**, as it unnecessarily increases the cost to the Office. See 37 CFR 1.4(b). A request for corrected publication need only point out what was printed incorrectly in the application, where the error occurs in the publication and where the correct text or drawing is found in the application papers. Marked up relevant copies of the applications papers and the pre-grant publication may facilitate processing of the request, where it is not readily apparent where the error occurs. If it is not clear why the error is a material error, further explanation may be warranted.

Inquiries relating to this matter may be directed to the undersigned at (571) 272-7709.

Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

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JACOBSON HOLMAN PLLC
400 SEVENTH STREET N.W.
SUITE 600
WASHINGTON, DC 20004

Mail Date: 04/21/2010

Applicant	: James Gordon Harris	: DECISION ON REQUEST FOR
Patent Number	: 7605346	: RECALCULATION of PATENT
Issue Date	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/632,057	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/10/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **388** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

1 6 JAN 2009

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COOPER & DUNHAM, LLP
30 ROCKEFELLER PLAZA
20TH FLOOR
NEW YORK, NY 10112

In re Application of SURI et al	:	
U.S. Application No.: 11/632,078	:	
PCT Application No.: PCT/US2005/023998	:	
Int. Filing Date: 07 July 2005	:	DECISION
Priority Date Claimed: 09 July 2004	:	
Attorney Docket No.: 6424/75349-PCT-US	:	
For: METHOD FOR BREAST SCREENING IN	:	
FUSED MAMMOGRAPHY	:	

This is in response to applicant's "Petition Under 37 C.F.R. §1.47" filed 20 October 2008.

BACKGROUND

On 07 July 2005, applicant filed international application PCT/US2005/023998, which claimed priority of an earlier United States application filed 09 July 2004. The thirty-month period for paying the basic national fee in the United States expired on 09 January 2007.

On 09 January 2007, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 22 May 2008, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 20 October 2008, applicant filed the present petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) an oath or declaration by each applicant on his or her own behalf and on behalf of the nonsigning joint inventors, (2) factual proof that the missing joint inventors refuse to join in the application or cannot be

reached after diligent effort, (3) the fee set forth in §1.17(i), and (4) the last known addresses of the nonsigning joint inventors.

With regard to item (1) above, applicant has submitted a declaration signed by the available inventor on his own behalf and on behalf of the nonsigning inventors.

With regard to item (2) above, MPEP 409.03(d) states in relevant part,

> Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, an affidavit or declaration of facts should be submitted which fully describes the exact facts which are relied on to establish that a diligent effort was made. . . . The affidavit or declaration of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as certified mail return receipt, cover letter of instructions, telegrams, etc., that support a finding that the nonsigning inventor could not be found or reached should be made part of the affidavit or declaration. It is important that the affidavit or declaration contain statements of fact as opposed to conclusions.
>
> * * *
>
> Where a refusal to sign the application papers is alleged, the circumstances of this refusal must be specified in an affidavit or declaration by the person to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.
>
> Before a refusal can be alleged, it must be demonstrated that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney.
>
> When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the affidavit or declaration. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the affidavit or declaration.
>
> When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the affidavit or declaration. If there is documentary evidence to support facts alleged in the affidavit or declaration, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the affidavit or declaration.

The petition states that inventors Jasjit Suri and Yajie Sun cannot be located after diligent effort. However, the presented evidence shows that petitioner successfully contacted inventor Suri by electronic mail (see affidavit of Lindsay McGuinness[1], ¶2) and sent a letter that was successfully delivered to inventor Suri's last known address (see McGuinness affidavit, ¶3). Similarly, petitioner successfully contacted inventor Sun via an internet networking site (see McGuinness affidavit, ¶6). Therefore, it would not be reasonable to conclude that inventors Suri

[1] It is noted that the affidavit makes reference to international application number PCT/US2005/024257, which does not apply to the present national stage application, and to inventors Yujun Guo and Idris Elbakri, who are not part of the present application.

and Sun cannot be found. Although the evidence suggests that inventors Suri and Sun may be refusing to cooperate, and although petitioner has demonstrated that a bona fide attempt was made to present a copy of the application papers to the inventors for signature (see Exhibit I-1), petitioner has not alleged that the inventors refuse to sign.

With regard to item (3) above, applicant the requisite $200.00 petition fee will be charged to Deposit Account No. 50-2855 as authorized by applicant.

With regard to item (4) above, the petition states the last known addresses of the nonsigning inventors.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.47(a) is DISMISSED without prejudice.

If reconsideration on the merits of the petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Failure to timely file a proper response will result in ABANDONMENT of the application. Extensions of time are available under 37 CFR 1.136(a). Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)". No additional petition fee is required.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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21 JUL 2009

COOPER & DUNHAM, LLP
30 ROCKEFELLER PLAZA
20TH FLOOR
NEW YORK, NY 10112

In re Application of SURI et al	:	
U.S. Application No.: 11/632,078	:	
PCT Application No.: PCT/US2005/023998	:	
Int. Filing Date: 07 July 2005	:	DECISION
Priority Date Claimed: 09 July 2004	:	
Attorney Docket No.: 6424/75349-PCT-US	:	
For: METHOD FOR BREAST SCREENING IN FUSED MAMMOGRAPHY	:	

This is in response to applicant's renewed petition under 37 CFR 1.47(a) filed 04 May 2009.

BACKGROUND

On 07 July 2005, applicant filed international application PCT/US2005/023998, which claimed priority of an earlier United States application filed 09 July 2004. The thirty-month period for paying the basic national fee in the United States expired on 09 January 2007.

On 09 January 2007, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 22 May 2008, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 20 October 2008, applicant filed a petition under 37 CFR 1.47(a).

On 16 January 2009, this Office mailed a decision dismissing the 20 October 2008 petition.

On 04 May 2009, applicant filed the present renewed petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) an oath or declaration by each applicant on his or her own behalf and on behalf of the nonsigning joint inventors, (2) factual proof that the missing joint inventors refuse to join in the application or cannot be reached after diligent effort, (3) the fee set forth in §1.17(i), and (4) the last known addresses of the nonsigning joint inventors.

Petitioner has previously satisfied items (1), (3), and (4) above.

With regard to item (2) above, MPEP 409.03(d) states in relevant part,

> Where a refusal to sign the application papers is alleged, the circumstances of this refusal must be specified in an affidavit or declaration by the person to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.
>
> Before a refusal can be alleged, it must be demonstrated that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney.
>
> When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the affidavit or declaration. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the affidavit or declaration.
>
> When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the affidavit or declaration. If there is documentary evidence to support facts alleged in the affidavit or declaration, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the affidavit or declaration.

The petition states that inventors Jasjit Suri and Yajie Sun refuse to sign the application papers. Petitioner has adequately demonstrated that a bona fide attempt was made to present a copy of the application papers to the inventors for signature (see Exhibit I-1). Furthermore, petitioner has sufficiently established that inventors Suri and Sun refuse to sign. Specifically, the failure of inventors Suri and Sun to respond to electronic communications and/or postal mail constitutes a constructive refusal to cooperate. However, before the petition can be granted, petitioner must explain why the affidavit of Lindsay McGuinness makes reference to international application number PCT/US2005/024257 and to inventors Yujun Guo and Idris Elbakri, who are not listed on the declaration, as noted in the decision mailed 16 January 2009.

CONCLUSION

For the reasons above, the renewed petition under 37 CFR 1.47(a) is DISMISSED without prejudice.

If reconsideration on the merits of the petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Failure to timely file a proper response will result in ABANDONMENT of the application. Extensions of time are available under 37 CFR 1.136(a). Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)". No additional petition fee is required.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Bryan Lin

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0 9 DEC 2009

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20TH FLOOR
NEW YORK, NY 10112

In re Application of SURI et al	:	
U.S. Application No.: 11/632,078	:	
PCT Application No.: PCT/US2005/023998	:	
Int. Filing Date: 07 July 2005	:	DECISION
Priority Date Claimed: 09 July 2004	:	
Attorney Docket No.: 6424/75349-PCT-US	:	
For: METHOD FOR BREAST SCREENING IN FUSED MAMMOGRAPHY	:	

This is in response to applicant's second renewed petition under 37 CFR 1.47(a) filed 21 October 2009.

BACKGROUND

On 07 July 2005, applicant filed international application PCT/US2005/023998, which claimed priority of an earlier United States application filed 09 July 2004. The thirty-month period for paying the basic national fee in the United States expired on 09 January 2007.

On 09 January 2007, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 22 May 2008, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 20 October 2008, applicant filed a petition under 37 CFR 1.47(a).

On 16 January 2009, this Office mailed a decision dismissing the 20 October 2008 petition.

On 04 May 2009, applicant filed a renewed petition under 37 CFR 1.47(a).

On 21 July 2009, this Office mailed a decision dismissing the 04 May 2009 renewed petition.

On 21 October 2009, applicant filed the present second renewed petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) an oath or declaration by each applicant on his or her own behalf and on behalf of the nonsigning joint inventors, (2) factual proof that the missing joint inventors refuse to join in the application or cannot be reached after diligent effort, (3) the fee set forth in §1.17(i), and (4) the last known addresses of the nonsigning joint inventors.

Petitioner has previously satisfied items (1), (3), and (4) above.

With regard to item (2) above, MPEP 409.03(d) states in relevant part,

> Where a refusal to sign the application papers is alleged, the circumstances of this refusal must be specified in an affidavit or declaration by the person to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.
>
> Before a refusal can be alleged, it must be demonstrated that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney.
>
> When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the affidavit or declaration. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the affidavit or declaration.
>
> When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the affidavit or declaration. If there is documentary evidence to support facts alleged in the affidavit or declaration, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the affidavit or declaration.

The petition states that inventors Jasjit Suri and Yajie Sun refuse to sign the application papers. Petitioner has adequately demonstrated that a bona fide attempt was made to present a copy of the application papers to the inventors for signature (see Exhibit I-1). Furthermore, petitioner has sufficiently established that inventors Suri and Sun refuse to sign. Specifically, the failure of inventors Suri and Sun to respond to electronic communications and/or postal mail constitutes a constructive refusal to cooperate. Thus, it can be concluded with reasonable certainty that inventors Suri and Sun refuse to join in the application.

CONCLUSION

For the reasons above, the second renewed petition under 37 CFR 1.47(a) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 07 July 2005 and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 20 October 2008.

As set forth in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the nonsigning inventors at the last known addresses of record and will be published in the *Official Gazette*.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

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0 9 DEC 2009

Jasjit Suri
11266 Clay Ct.
Westminster, CO 80234-2690

In re Application of SURI et al
U.S. Application No.: 11/632,078
PCT Application No.: PCT/US2005/023998
Int. Filing Date: 07 July 2005
Priority Date Claimed: 09 July 2004
For: METHOD FOR BREAST SCREENING IN FUSED MAMMOGRAPHY

Dear Jasjit Suri:

You are named as a joint inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost set forth in 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you choose to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Bryan Lin

Bryan Lin
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Telephone: 571-272-3303
Facsimile: 571-273-0459

COOPER & DUNHAM, LLP
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NEW YORK, NY 10112
Attorney Docket No.: 6424/75349-PCT-US

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0 9 DEC 2009

Yajie Sun
11601 Decator Street
Westminster, CO 80234

In re Application of SURI et al
U.S. Application No.: 11/632,078
PCT Application No.: PCT/US2005/023998
Int. Filing Date: 07 July 2005
Priority Date Claimed: 09 July 2004
For: METHOD FOR BREAST SCREENING IN FUSED MAMMOGRAPHY

Dear Yajie Sun:

You are named as a joint inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost set forth in 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you choose to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Bryan Lin

Bryan Lin
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Attorney Docket No.: 6424/75349-PCT-US

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MEDLEN & CARROLL, LLP
101 HOWARD STREET
SUITE 350
SAN FRANCISCO CA 94105

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NOV 0 6 2008

OFFICE OF PETITIONS

In re Application of	:	
Wang et al.	:	
Application No. 11/632,079	:	ON PETITION
Filed: February 20, 2008	:	
Attorney Docket No. UM-14063	:	

This is a decision on the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), filed October 23, 2008, to accept an unintentionally delayed claim under 35 U.S.C. §§ 120, 365 and 119(e) for the benefit of the prior-filed applications set forth in the concurrently filed amendment and Application Data Sheet (ADS).

The petition is **DISMISSED AS MOOT**.

A petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000.

Along with the instant petition under 37 CFR §§ 1.78(a)(3) and 1.76(a)(6), petitioner has submitted an amendment to the first sentence of the specification following the title to include a reference to the prior-filed applications and an ADS.

The instant pending nonprovisional application was filed on February 20, 2008, and was pending at the time of filing of the instant petition. While a reference to the prior-filed applications was not included in an ADS or in the first sentence of the specification following the title, reference nevertheless was made in the Declaration for Patent Application filed with the above-identified application.

The current procedure where a claim for priority under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) is not included in the first sentence of the specification or in an ADS but does appear either in the oath or declaration or a transmittal letter filed with the application and the Office notes the claim for priority, no petition will be required to accept a late claim for priority. This is because the application would have been scheduled for publication on the basis of the information concerning the claim submitted elsewhere in the application within the time period set forth in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). However, on the other hand, if the USPTO does not note the claim for priority to the prior-filed application(s) set forth in the oath or declaration or transmittal letter submitted with the application, a petition will be required to accept a late claim for priority under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6).[1] In the instant case, the Office noted the

[1] *Note* MPEP 201.11 (V), page 200-75 (Rev. 1. Feb. 2004 and 66 Federal Register 67087 at 67089 (Dec. 28, 2001), effective December 28, 2001.

claim for priority of the prior-filed applications in the transmittal letter filed with the application, as shown by their inclusion on the filing receipt. A replacement copy of the original filing receipt is enclosed for petitioner's convenience.

In view of the above, the $1410.00 petition fee submitted is unnecessary and will be refunded to petitioner's deposit account in due course.

Any questions concerning this decision on petition may be directed to the undersigned at (571) 272-3206. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This matter is being referred to the Examiner of Technology Center AU 1624 for appropriate action on the amendment filed October 23, 2008, including consideration of the claim for benefit of the prior-filed applications.

Liana Walsh
Petitions Examiner
Office of Petitions

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United States Patent and Trademark Office
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/632,079	02/20/2008	1624	1190	UM-14063	48	1

CONFIRMATION NO. 1670

REPLACEMENT FILING RECEIPT

23535
MEDLEN & CARROLL, LLP
101 HOWARD STREET
SUITE 350
SAN FRANCISCO, CA 94105

OC000000032939588

Date Mailed: 11/04/2008

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Shaomeng Wang, Saline, MI;
Haiying Sun, Ann Arbor, MI;
Zaneta Nikolovksa-Coleska, Ann Arbor, MI;
Chao-Yie Yang, Ann Arbor, MI;
Liang Xu, Ann Arbor, MI;
Naoyuki G. Saito, East Amherst, NY;
Jianyong Chen, Ann Arbor, MI;

Power of Attorney: The patent practitioners associated with Customer Number 23535

Domestic Priority data as claimed by applicant

This application is a 371 of PCT/US05/24530 07/11/2005
which claims benefit of 60/586,575 07/09/2004

Foreign Applications

If Required, Foreign Filing License Granted: 02/26/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/632,079**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
**** SMALL ENTITY ****

Title

Conformationally Constrained Smac Mimetics And The Uses Thereof

Preliminary Class

514

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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2 3 JAN 2009

Cooper & Dunham, LLP
1185 Avenue of Americas
New York NY 10036

In re Application of SURI et al. U.S. Application No.: 11/632,082 PCT No.: PCT/US05/24257 Int. Filing Date: 07 July 2005 Priority Date: 09 July 2004 Attorney Docket No.: 6424/75348-PCT-US For: DIAGNOSTIC SYSTEM FOR MULTIMODALITY MAMMOGRAPHY	:	DECISION ON PETITION UNDER 37 CFR 1.47(a)

This decision is issued in response to applicants' "PetitionUnder 37 CFR 1.47" filed 20 October 2008. Deposit Account No 03-3125 will be charged the required $200 petition fee.

BACKGROUND

On 07 July 2005, applicants filed international application PCT/US05/24257. The deadline for submission of the basic national fee was thirty months from the priority date, 09 January 2007.

On 09 January 2007, applicants filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee.

On 22 May 2008, the United States Designated/Elected Office (DO/EO/US) mailed a Notification Of Missing Requirement (Form PCT/DO/EO/905) indicating that an executed declaration in compliance with 37 CFR 1.497 and payment of the surcharge for filing the declaration later than thirty months after the priority date were required.

On 20 October 2008, applicants filed a response to the Notification Of Missing Requirements. The response included payment of the required surcharge, a partially executed declaration, and the petition under 37 CFR 1.47(a) considered herein. The petition seeks acceptance of the application without the signature of inventors, Jasjit Suri and Yujun Guo, whom applicants assert cannot be found or reached after diligent effort.

DISCUSSION

A grantable petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17; (2) a statement of the last known address of the non-signing inventor; (3) an oath or declaration executed by the other inventors on behalf of themselves and the non-signing inventor; and (4) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort.

Applicants here have authorized a charge to Deposit Account No. 12-0400 for required fees, pursuant to which applicants will be charged the required $200 petition fee, and the petition states the last known address of the non-signing inventors. Items (1) and (2) are therefore satisfied.

Regarding item (3), section 409.03(a) of the Manual of Patent Examining Practice (MPEP) states that:

> An oath or declaration signed by all the available joint inventors with the signature block of the nonsigning inventor(s) left blank may be treated as having been signed by all the joint inventors on behalf of the nonsigning inventor(s), unless otherwise indicated.

Here, applicants have filed a declaration executed by two of the four inventors of record, and the declaration includes an unsigned signature block for the non-signing inventors, Jasjit Suri and Yujun Guo. This declaration may be accepted as having been executed by the signing inventors on their own behalf and on behalf of the non-signing inventors. Item (3) of a grantable petition is therefore satisfied.

With regard to item (4), section 409.03(d) of the Manual of Patent Examining Procedure (M.P.E.P.), states in relevant part,

> Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made....The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included statement of facts. It is important that the statement contain facts as opposed to conclusions.
>
> * * *
>
> Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application

> papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.
>
> Proof that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts.When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.
>
> When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

The petition states that inventors Jasjit Suri and Yujun Guo cannot be located after diligent effort. However, the presented evidence shows that petitioner successfully contacted Jasjit Suri by electronic mail and sent a letter that was successfully delivered to Jasjit Suri's last known address. Additionally, Yujun Guo was located via the internet.[1] Therefore, it would not be reasonable to conclude that Jasjit Suri and Yujun Guo cannot be found. It appears that inventors Jasjit Suri and Yujun Guo may be refusing to cooperate, and although petitioner has demonstrated that a bona fide attempt was made to present a copy of the application papers to the inventor (Jasjit Suri) for signature, petitioner has not alleged that Jasjit Suri and Yujun Guo refuse to sign. Lastly, the statement regarding the mailings to Yujun Guo constitutes secondhand knowledge, in that, the mailings to which the petitioner is averring to were conducted by Amanda Callahan.

As stated above, in order to meet the requirements of 37 CFR 1.47(a) and Section 409.03(d) of the MPEP, a statement of facts is needed from a person having <u>first hand knowledge</u> of the facts that a complete copy of the application papers were sent to Jasjit Suri and Yujun Guo and when such papers were sent and that Jasjit Suri and Yujun Guo has subsequently refused to execute the application.

---

[1]A letter was sent to Yujun Guo's last known address, but petitioner fails to include evidence to demonstrate that the materials were actually received by the nonsigning inventor.

CONCLUSION

Applicants' petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of the petition is desired, a proper response must be filed within **TWO (2) MONTHS** of the mail date of the present decision. Any request for reconsideration should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)" and must include the additional materials required to satisfy item (4) of a grantable petition, as discussed above and in the MPEP. No additional petition fee is required. Failure to file a proper response will result in abandonment of the application. Extensions of time are available under 37 CFR 1.136(a).

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

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1 4 APR 2009

Cooper & Dunham, LLP
1185 Avenue of Americas
New York, NY 10036

In re Application of
SURI et al.
U.S. Application No.: 11/632,082
PCT No.: PCT/US05/24257
Int. Filing Date: 07 July 2005
Priority Date: 09 July 2004
Attorney Docket No.: 6424/75348-PCT-US
For: DIAGNOSTIC SYSTEM FOR MULTIMODALITY MAMMOGRAPHY

DECISION ON PETITION UNDER 37 CFR 1.47(a)

This decision is issued in response to applicants' renewed "Petition Under 37 CFR 1.47(a) Request to Make an Application on Behalf of Inventors who Refuse to Sign the Declaration" filed 25 February 2009.

BACKGROUND

On 07 July 2005, applicants filed international application PCT/US05/24257. The deadline for submission of the basic national fee was thirty months from the priority date, 09 January 2007.

On 09 January 2007, applicants filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee.

On 22 May 2008, the United States Designated/Elected Office (DO/EO/US) mailed a Notification Of Missing Requirement (Form PCT/DO/EO/905) indicating that an executed declaration in compliance with 37 CFR 1.497 and payment of the surcharge for filing the declaration later than thirty months after the priority date were required.

On 20 October 2008, applicants filed a petition under 37 CFR 1.47(a). In a decision dated 23 January 2009, applicants' petition under 37 CFR 1.47(a) was dismissed without prejudice.

On 25 February 2009, applicants filed a renewed petition under 37 CFR 1.47(a). The petition seeks acceptance of the application without the signature of inventors, Jasjit Suri and Yujun Guo.

DISCUSSION

A grantable petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17; (2) a statement of the last known address of the non-signing inventor; (3) an oath or declaration executed by the other inventors on behalf of themselves and the non-signing inventor; and (4) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort. Items (1), (2) and (3) have been satisfied.

With regard to item (4), petitioner states that Jasjit Suri and Yujun Guo have refused to sign the application. Section 409.03(d) of the Manual of Patent Examining Procedure (M.P.E.P.), **Proof of Unavailability or Refusal**, states, in part,

> Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.
>
> Proof that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts.When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.
>
> When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

a. Inventor Jasjit Suri

Regarding item (4), the petition asserts that the nonsigning inventor (Jasjit Suri) has refused to execute the declaration. Before a refusal to execute the application can be claimed, section 409.03(d) of the MPEP requires that the nonsigning inventor be provided with a copy of the complete application, including specification, drawings and claims. The

MPEP also requires "a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made."

Here, the evidence submitted to demonstrate Jasjit Suri's refusal to execute the application papers is contained in the Declaration of Lindsey G. McGuinness included in the petition, and the exhibits thereto. These materials provide the required firsthand statement regarding the delivery (via electronic mail) to the nonsigning inventor of a copy of the complete application, and the nonsigning inventor's refusal to execute the application, with documentary evidence supporting the statement.

b. Inventor Yujun Guo

A review of the present petition reveals that petitioner has not shown that a bona fide attempt was made to present the application papers (specification, claims, drawings, and oath/declaration) to Yujun Guo. Petitioner states that a declaration/power of attorney and assignment were sent to Yujun Guo on October 6, 2008. The mailing of the Declaration and Assignment is not considered a complete copy of the application. Further, petitioner fails to include evidence to demonstrate that the materials were actually received by the nonsigning inventor. A review of the Fed Ex tracking report indicates that the package was released without a signature. Under these circumstances, where the Office is being asked to accept the silence of the nonsigning inventor's as evidence of a refusal to sign, petitioner must provide some evidence that the application materials have been received by the nonsigning applicant. Lastly, the statement regarding the mailings to Yujun Guo constitutes secondhand knowledge, in that, the mailings to which the petitioner is averring to were conducted by Amanda Callahan.

As stated above, in order to meet the requirements of 37 CFR 1.47(a) and Section 409.03(d) of the MPEP, a statement of facts is needed from a person (Amanda Callahan) having first hand knowledge of the facts that a complete copy of the application papers were sent to Yujun Guo and when such papers were sent and that Yujun Guo has subsequently refused to execute the application.

CONCLUSION

Applicants' petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of the petition is desired, a proper response must be filed within **TWO (2) MONTHS** of the mail date of the present decision. Any request for reconsideration should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)" and must include the additional materials required to satisfy item (4) of a grantable petition, as discussed above and in the MPEP. No additional petition fee is required. Failure to file a proper response will result in abandonment of the application. Extensions of time are available under 37 CFR 1.136(a).

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

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06 AUG 2009

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Cooper & Dunham, LLP
1185 Avenue of Americas
New York, NY 10036

In re Application of :
SURI et al. :
U.S. Application No.: 11/632,082 :
PCT No.: PCT/US05/24257 :
Int. Filing Date: 07 July 2005 : DECISION ON PETITION
Priority Date: 09 July 2004 : UNDER 37 CFR 1.47(a)
Attorney Docket No.: 6424/75348-PCT-US :
For: DIAGNOSTIC SYSTEM FOR :
MULTIMODALITY MAMMOGRAPHY

This decision is issued in response to applicants' "Supplemental Petition under 37 CFR 1.47(a)" filed 13 July 2009. In a decision dated 14 April 2009, applicants' petition under 37 CFR 1.47(a) to accept the application without the signature of joint inventors, Jasjit Suri and Yujun Guo, was dismissed without prejudice.

The petition for status under 37 CFR 1.47(a) is moot since the declaration filed 13 July 2009 with the present petition was executed by the named inventors, the previous non-signing inventors, Jasjit Suri and Yujun Guo. The declaration filed 13 July 2009 is acceptable under 37 CFR 1.497.

For the reasons above, the petition under 37 CFR 1.47(a) is **DISMISSED** as MOOT.

The application has an international filing date of 07 July 2005 under 35 U.S.C. 363 and a date of 13 July 2009 under 35 U.S.C. 371(c)(1),(c)(2) and (c)(4).

The application is being returned to the International Division for processing as the U.S. National Stage of the above-identified international application.

Anthony R

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06 AUG 2009

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Cooper & Dunham, LLP
1185 Avenue of Americas
New York, NY 10036

In re Application of	:	
SURI et al.	:	
U.S. Application No.: 11/632,082	:	
PCT No.: PCT/US05/24257	:	
Int. Filing Date: 07 July 2005	:	DECISION ON PETITION
Priority Date: 09 July 2004	:	UNDER 37 CFR 1.47(a)
Attorney Docket No.: 6424/75348-PCT-US	:	
For: DIAGNOSTIC SYSTEM FOR MULTIMODALITY MAMMOGRAPHY	:	

This decision is issued in response to applicants' "Supplemental Petition under 37 CFR 1.47(a)" filed 13 July 2009. In a decision dated 14 April 2009, applicants' petition under 37 CFR 1.47(a) to accept the application without the signature of joint inventors, Jasjit Suri and Yujun Guo, was dismissed without prejudice.

The petition for status under 37 CFR 1.47(a) is moot since the declaration filed 13 July 2009 with the present petition was executed by the named inventors, the previous non-signing inventors, Jasjit Suri and Yujun Guo. The declaration filed 13 July 2009 is acceptable under 37 CFR 1.497.

For the reasons above, the petition under 37 CFR 1.47(a) is <u>DISMISSED</u> as MOOT.

The application has an international filing date of 07 July 2005 under 35 U.S.C. 363 and a date of 13 July 2009 under 35 U.S.C. 371(c)(1),(c)(2) and (c)(4).

The application is being returned to the International Division for processing as the U.S. National Stage of the above-identified international application.

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Pollack P C
The Chrysler Building, Suite 760
132 East 43rd Street
New York NY 10017

In re Application of	:	
MURA, SERGIO	:	
Application No.: 11/632084	:	DECISION ON
Filing or 371(c) Date: January 8, 2007	:	PETITION
Attorney Docket Number: 1014.1068	:	

This is a decision in response to the "Petition to Withdraw Holding of Abandonment," filed January 7, 2010.

This petition is **GRANTED**.

The above-identified application became abandoned for failure to timely and properly reply to the Notice of Allowance, mailed September 14, 2009.

In view of the foregoing, the holding of abandonment for failure to timely pay the issue fee is hereby withdrawn and the application restored to pending status.

Telephone inquiries concerning this matter should be directed to the undersigned at (703) 756-1499.

Kendrick Spruill
Application Assistance Unit
Office of Data Management

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AUG 23 2007

OFFICE OF PETITIONS

TRASK BRITT
P.O. BOX 2550
SALT LAKE CITY, UT 84110

In re Application of	:	
GALE, Bruce et al.	:	
Application No. 11/632,086	:	DECISION ON PETITION
Filed: April 24, 2007	:	TO WITHDRAW
Attorney Docket No. **0274-6473.1US**	:	FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 09, 2007.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request cannot be approved because no reasons for withdrawal have been provided. The Office cannot, at this time, determine whether practitioner's request is one of the mandatory or permissive reasons enumerated in 37 CFR 10.40. Any subsequent requests must include reasons for withdrawal. Please note that there is a space provided for on PTO/SB/83 (Request to Withdraw as Attorney or Agent) to supply practitioner's reasons.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Michelle R. Eason at 571-272- 4231.

Terri Williams
Petitions Examiner
Office of Petitions

cc: **VAUGHN NORTH**
THORPE NORTH & WESTERN
8180 SOUTH 700 EAST
SUITE 350
SANDY, UT 84070

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13 FEB 2009

KENYON & KENYON LLP
ONE BROADWAY
NEW YORK NY 10004

In re Application of: JACOBS, Georg, et al. Application No.: 11/632,094 PCT No.: PCT/EP2005/006156 International Filing Date: 08 June 2005 Priority Date: 09 July 2004 Atty Docket No.: 10191/4952 For: AXIAL PISTON ENGINE COMPRISING A WEAR-RESISTANT LAYER	DECISION ON PETITION TO WITHDRAW HOLDING OF ABANDONMENT (37 CFR 1.181)

This decision is issued in response to the "Petition Under 37 CFR 1.181 to Withdraw Holding of Abandonment (Based on Failure to Receive Notification Of Missing Requirements Pursuant to MPEP 711.03(c)(I))" filed 13 January 2009. No petition fee is required.

BACKGROUND

On 08 June 2005, applicants filed international application PCT/EP2005/006156. The international application claimed a priority date of 09 July 2004, and it designated the United States. On 19 January2006, the International Bureau (IB) communicated a copy of the international application to the United States patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 09 January 2007.

On 09 January 2007, applicants filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee, an English translation of the international application, and an unexecuted declaration.

On 10 March 2008, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Missing Requirements" (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 and the surcharge for filing the oath or declaration later than thirty months after the priority date were required.

Applicants did not file a response to the Notification Of Missing Requirements during the extendable response period provided in the Notification Of Missing Requirements.

On 21 November 2008, the DO/EO/US mailed a "Notice of Abandonment" (Form PCT/DO/EO/909) indicating that the application was abandoned based on applicants' failure to file a timely response to the Notification Of Missing Requirements mailed 10 March 2008.

On 13 January 2009, applicants filed the "Petition Under 37 CFR 1.181 to Withdraw Holding of Abandonment (Based on Failure to Receive Notification Of Missing Requirements Pursuant to MPEP 711.03(c)(I))" considered herein. The petition asserts that applicants did not receive the Notification Of Missing Requirements upon which the abandonment is based and that the holding of abandonment should therefore be withdrawn.

DISCUSSION

Section 711.03(c)(I)(A) of the MPEP sets forth the requirements for a grantable petition in the present circumstances:

> The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.
>
> Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.
>
> A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

The present petition includes the required statements from the practitioner confirming that the Notification Of Missing Requirements was not received and that a search of the file jacket the file jacket and docket records indicates that the Notification Of Missing Requirements was not received. However, the petition does not include the required statement from the practitioner "describing the system used for recording an Office action received at the correspondence address of record with the USPTO" and establishing "that the docketing system is sufficiently reliable." Accordingly, applicants have not provided all the statements required for a grantable petition.

With respect to the docket records requirement, applicants have provided a copy of the docket record for the present application file, as well as a mail log for the period following the mailing of the Notification and the docket listing for all responses due in the USPTO on 04 April 2008, the date on which a response to the Notification Of Missing Requirements was required. These materials satisfy the docket record requirement of a grantable petition.

Based on the above, applicants have not satisfied all the requirements for a grantable petition to confirm applicants' failure to receive the Notification Of Missing Requirements (Form PCT/DO/EO/905) mailed 04 February 2008. Withdrawal of the holding of abandonment is therefore not appropriate on the present record.

It is noted that applicants' present petition was accompanied by an executed declaration and payment of the surcharge for filing the declaration later than thirty months after the priority date. However, the declaration includes a non-initialed, undated handwritten alteration on the signature page of inventor Alexander SCHATTKE (see 37 CFR 1.52(c)). Any changes made in ink in the application or declaration prior to signing should be initiated and dated by the applicants prior to execution of the declaration. The Office will not consider whether non-initialed and/or non-dated alterations were made before or after signing of the oath or declaration but will require a new oath or declaration (see MPEP 605.04(a)). Therefore, a newly executed declaration in compliance with 37 CFR 1.497 is required from inventor Alexander SCHATTKE.

CONCLUSION

Applicants' petition under 37 CFR 1.181 is **DISMISSED** without prejudice. The application remains abandoned.

If reconsideration on the merits of the petition is desired, a proper response must be filed within **TWO (2) MONTHS** of the mail date of the present decision. Any request for reconsideration should include a cover letter entitled "Renewed Petition Under 37 CFR 1.181" and must include the additional statements from the practitioner regarding the docketing system in use, as discussed above and in the MPEP.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

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2 JUN 2009

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KENYON & KENYON LLP
ONE BROADWAY
NEW YORK NY 10004

In re Application of:	:	
JACOBS, Georg, et al.	:	DECISION ON PETITION TO
Application No.: 11/632,094	:	WITHDRAW HOLDING OF
PCT No.: PCT/EP2005/006156	:	ABANDONMENT
International Filing Date: 08 June 2005	:	(37 CFR 1.181)
Priority Date: 09 July 2004	:	
Atty Docket No.: 10191/4952	:	
For: AXIAL PISTON ENGINE	:	
COMPRISING A WEAR-	:	
RESISTANT LAYER	:	

This decision is issued in response to the "Renewed Petition Under 37 CFR 1.181(a)" filed 09 April 2009. No petition fee is required.

BACKGROUND

The procedural background for the present application was set forth in the decision mailed herein on 13 February 2009. That decision dismissed without prejudice applicants' petition for withdrawal of the holding of abandonment for failure to include all the requirements of a grantable petition. Specifically, the decision indicated that applicants had failed to provide all required statements from the practitioner. The decision also indicated that a newly executed declaration was required from inventor Alexander SCHATTKE.

On 09 April 2009, applicants filed the renewed petition considered herein.

DISCUSSION

The present renewed petition includes an express statement from the practitioner describing the docketing system in use and confirming that such system is sufficiently reliable. Petitioner has therefore now submitted all the statements from the practitioner required for a grantable petition. As noted in the previous decision, petitioner has previously submitted the docket records required for a grantable petition.

Based on the above, applicants have now satisfied the requirements for a petition to confirm the failure to receive the Notification Of Missing Requirements mailed 10 March 2008. The holding of abandonment herein, based as it was on the failure to respond to the Notification that was not received by applicants, is therefore appropriately withdrawn.

It is noted that petitioner has not submitted, as required, a newly executed declaration from inventor Alexander SCHATTKE. Instead, applicants have provides a supplemental ADS containing the revised address for the inventor that was hand-written on the previously filed declaration. However, as set forth in the previous decision, the handwritten alterations on the previously filed declaration make such declaration unacceptable with respect to this inventor. The filing of the supplemental ADS does not resolve this defect.

CONCLUSION

Applicants' renewed petition under 37 CFR 1.181 is **GRANTED.**

The Notification Of Abandonment (Form PCT/DO/909) mailed 21 November 2008, based as it was on applicants' failure to respond to the Notification Of Missing Requirements that applicants did not receive, is appropriately **VACATED**.

The application is being referred to the National Stage Processing Branch of the Office Of PCT Operations for further processing in accordance with this decision, including the mailing of a new Notification Of Missing Requirements (Form PCT/DO/EO/905) requiring submission of an acceptable declaration in compliance with 37 CFR 1.497 from inventor Alexander SCHATTKE.

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12 JAN 2010

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DURHAM NC 27707

In re Application of	:	DECISION ON
DIATCHENKO et al	:	
Application No.: 11/632,141	:	
PCT No.: PCT/US05/26201	:	
Int. Filing Date: 25 July 2005	:	PETITION UNDER
Priority Date: 23 July 2004	:	
Attorney Docket No.: 421/114 PCT/US	:	
For: RELATED DISORDERS METHODS...	:	
TREATING RELATED DISORDERS	:	37 CFR 1.182

This decision is in response to petitioner's "RESPONSE TO NOTIFICATION OF DEFECTIVE RESPONSE" filed on 02 July 2009, which is being treated as a petition under 37 CFR 1.182. The petition fee of $400.00 has been charged to Deposit Account No. 50-0426.

BACKGROUND

On 10 January 2007, applicants filed in the United States Patent and Trademark Office (PTO) a Transmittal Letter (Form PTO-1390) accompanied by, *inter alia*, the basic national fee. Applicants, however, did not provide an executed oath or declaration as required under 35 U.S.C. 371(c)(4).

On 01 October 2008, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905) which informed applicant, inter alia, that an "Oath or Declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it: is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68." It also stated that items set forth above must be submitted within two months from date of mailing or by 32 months from the priority date, whichever is later. Failure to properly respond will result in abandonment.

On 04 November 2008, applicants submitted an incomplete composite executed declaration. In the declaration section pertaining to the name of the fourth co-inventor has been amended to Andrea Gail Neely; this name did not appear in the international application, which the name that appeared is Andrea Gail Nackley. In addition, the declaration has been signed by "Andrea Gail Neely."

On 04 June 2009, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF A DEFECTIVE RESPONSE" (Form PCT/DO/EO/916) because the declaration was in not compliance with 37 CFR 1.497(a) and (b). It stated that the names do not match those listed on the published application. Specifically, the middle initial (B) is missing from the first inventor, and the last name has been altered by the fourth inventor (from NACKLEY to NEELY).

On 02 July 2009, petitioner filed the instant petition, which included an affidavit in support of the name change of the inventor from Andrea Gail NACKLEY to Andrea Gail NEELY, and a properly executed declaration.

DISCUSSION

MPEP § 605.04(c) requires in instances where an inventor has changed his or her name after the application has been filed to submit a petition under 37 CFR 1.182. The petition must include (1) the appropriate petition fee and (2) an affidavit signed with both names setting forth the procedure whereby the change of name was effected, or a certified copy of the court order.

With respect to item (1), the petition fee of $400.00 has been charged to petitioner's Deposit Account N.: 50-0426.

With respect to item (2), an affidavit has been provided signed under Andrea Gail Neely. It sets forth the procedure whereby the change of name was effected from Andrea Gail Neely (married name) to Andrea Gail Nackley (maiden name). Therefore, item (2) has been satisfied.

For the reasons above, the application may enter into national stage processing at this time.

CONCLUSION

The petition under 37 CFR §1.182 for change of name of inventor is **GRANTED**. This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing under 35 U.S.C. 371. The 35 USC 371(c)(1), (c)(2), and (c)(4) date of this application is **02 July 2009.**

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 273-0459

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: 08072009

DATE : 07/24/09

TO SPE OF : ART UNIT 2882

SUBJECT : Request for Certificate of Correction for Appl. No.: 11632155 Patent No.: 7548605 B2

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (C of C)
Randolph Square 9D40-D
Palm Location 7580

You can fax the Directors/SPE response to 571-270-9990

Lamonte Newsome

Certificates of Correction Branch

703-756-1574

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- ☐ **Approved** — **All** changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- X **Denied** — State the reasons for denial below.

Comments: The requested change to the filing date is denied because it is not a mistake of minor character and would require reexamination (See MPEP 1481). It is noted that the Application Transmittal Letter filed 1/10/2007, and the Notice of Acceptance (FORM/PCT/DO/EO/903) mailed 12/14/2007 each identified the "I.A. Filing Date" as 7/5/2005.

/Edward J Glick/
SPE

2882
Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Date Mailed : 09/28/09

Patent No. : 7548605 B2
Patent Issued : 04/14/09
Docket No. : **11371-175(2004P04676WOUS**

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322.

Respecting the alleged errors in the documents filed on 07/13/09; please see attachments. **"Therefore, no correction(s) is in order here under United States Codes (U.S.C.) 254 and the Code of Federal Regulation (C.F.R.) 1322."**

In view of the foregoing, your request in this matter is hereby denied.

Lamonte M. Newsome
For Mary Diggs, Supervisor
Decisions & Certificates
Of Correction Branch
(703) 305-8309 or (703) 756-1574

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO IL 60610

LMN

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: 08072009

DATE : 07/24/09

TO SPE OF : ART UNIT 2882

SUBJECT : Request for Certificate of Correction for Appl. No.: 11632155 Patent No.: 7548605 B2

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (C of C)
Randolph Square 9D40-D
Palm Location 7580
You can fax the Directors/SPE response to 571-270-9990

Lamonte Newsome
Certificates of Correction Branch
703-756-1574

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- ☐ **Approved** — **All** changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- X **Denied** — State the reasons for denial below.

Comments: The requested change to the filing date is denied because it is not a mistake of minor character and would require reexamination (See MPEP 1481). It is noted that the Application Transmittal Letter filed 1/10/2007, and the Notice of Acceptance (FORM/PCT/DO/EO/903) mailed 12/14/2007 each identified the "I.A. Filing Date" as 7/5/2005.

/Edward J Glick/ — SPE
2882 — Art Unit

3 0 APR 2007

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Alexandria, VA 22313-1450
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Philip S. Johnson
JOHNSON & JOHNSON
One Johnson & Johnson Plaza
New Brunswick, NJ 08933-7003

In re Application of JAROSKOVA *et al* U.S. Application No.: 11/632,195 PCT No.: PCT/EP2005/051970 Int. Filing Date: 29 April 2005 Priority Date: 07 May 2004 Attorney Docket No.: PRD2216USPCT For: ADAMANTYL PYRROLIDIN-2-ONE DERIVATIVES AS 11-BETA HYDROXYSTEROID DEHYDROGENASE INHIBITORS	**DECISION ON PETITION FOR REVIVAL UNDER 37 CFR 1.137(b)**

Applicants' petition to revive under 37 CFR 1.137(b) filed on 17 January 2007 with the national stage papers is hereby **GRANTED** as follows:

The basic national fee and the petition fee have been paid. Applicants make the required statement pursuant to 37 CFR 1.137(b)(3). A terminal disclaimer is not required.

Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

This application is being forwarded to the United States Designated/Elected Office for further processing including mailing a Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and a surcharge fee are required.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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Paper No.

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

MAILED

JUL 09 2010

OFFICE OF PETITIONS

In re Application of :
Fukuoka et al. :
Application No. 11/632,214 :
Filed: January 11, 2007 :
Attorney Docket No. 3939-0131PUS1:
Title: INDUSTRIAL PROCESS FOR :
PRODUCTION OF AN AROMATIC :
CARBONATE :

LETTER REGARDING
PATENT TERM ADJUSTMENT

This is a decision on the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT," filed May 20, 2010. Applicants request that the patent term adjustment indicated on the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) of five hundred and seventy-three (573) days be re-calculated.

The request for recalculation of the patent term adjustment is **GRANTED**.

The Office has updated the PAIR screen to reflect that the correct Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is **four hundred and fifty-four (454)** days. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

A Determination of Patent Term Adjustment was mailed on March 1, 2010, with an indication that the patent term adjustment to date was 573 days.

Applicants have requested a re-calculation of this patent term adjustment.

A re-calculation of the patent term adjustment has revealed that the Office improperly failed to assess a single period of applicant delay.

It has been determined that the Office improperly failed to assess a reduction pursuant to 37 C.F.R. § 1.704(c)(8), which states that circumstances that constitute a failure of the applicant to engage in reasonable efforts to conclude processing or examination of an application include the following circumstance, which will result in the following reduction of the period of adjustment set forth in § 1.703 to the extent that the periods are not overlapping:

> [s]ubmission of a supplemental reply or other paper, other than a supplemental reply or other paper expressly requested by the examiner, after a reply has been filed, in which case the period of adjustment set forth in § 1.703 shall be reduced by the number of days, if any, beginning on the day after the date the initial reply was filed and ending on the date that the supplemental reply or other such paper was filed.

A restriction requirement was mailed on September 29, 2009, and a response to the restriction requirement was received on October 23, 2009. One hundred and nineteen days later, on February 19, 2010, an Information Disclosure Statement (IDS) was received.[1]

The record supports a conclusion that any patent issuing from this patent is not subject to a terminal disclaimer.

A reduction of 119 days has been entered.

In view thereof, the correct patent term adjustment at the time of the mailing of the notice of allowance is four hundred and fifty-four (454) days (573 days of Office delay minus 119 days of Applicant delay).

The $200.00 fee set forth in 37 CFR 1.18(e) will be charged to Deposit Account No. 02-2448 in due course, as authorized on the second page of this petition. No additional fee is required.

Applicants are reminded that any delays by the Office pursuant to 37 CFR 1.702(a)(4) and 1.702(b) and any applicant delays under 37 CFR 1.704(c)(10) will be calculated at the time of the issuance of the patent and applicants will be notified of the revised patent term adjustment to be indicated on the patent in

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[1] The Supplemental IDS has been reviewed, and it does not contain the statement contained within 37 C.F.R. § 1.704(d). As such, the submission of the Supplemental IDS constitutes a failure to engage in reasonable efforts to conclude prosecution.

the Issue Notification letter that is mailed to applicants approximately three weeks prior to issuance.

The Office of Data Management has been advised of this decision. This matter is being referred to the Office of Data Management for issuance of the patent.

Telephone inquiries regarding this matter should be directed to Senior Attorney Paul Shanoski at (571) 272-3225.

Anthony Knight
Director
Office of Petitions

Enclosure: Copy of updated PAIR screen

PALM INTRANET

Day : Friday
Date: 7/2/2010
Time: 11:10:36

PTA Calculations for Application: 11/632214			
Application Filing Date:	01/11/2007	PTO Delay (PTO):	573
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	0
Post-Issue Petitions:	0	Total PTA (days):	454
PTO Delay Adjustment:	-119		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
68	07/02/2010	ADJUSTMENT OF PTA CALCULATION BY PTO		119	
48	03/01/2010	MAIL NOTICE OF ALLOWANCE	6		30
47	02/24/2010	ISSUE REVISION COMPLETED			
46	02/24/2010	DOCUMENT VERIFICATION			
45	02/24/2010	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
44	02/24/2010	EXAMINER'S AMENDMENT COMMUNICATION			
43	02/24/2010	NOTICE OF ALLOWABILITY			
42	02/19/2010	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
41	02/19/2010	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
37	10/20/2008	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
36	10/03/2008	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
35	08/11/2008	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
34	09/17/2009	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
33	09/17/2009	REFERENCE CAPTURE ON IDS			
32	09/17/2009	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
31	12/20/2009	DATE FORWARDED TO EXAMINER			
30	10/23/2009	RESPONSE TO ELECTION / RESTRICTION FILED			
29	10/23/2009	REQUEST FOR REFUND			
28	09/29/2009	ELECTRONIC REVIEW			
27	09/29/2009	EMAIL NOTIFICATION			
26	09/29/2009	MAIL RESTRICTION REQUIREMENT	567		6

25	09/24/2009	REQUIREMENT FOR RESTRICTION / ELECTION			
24	09/17/2009	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
23	07/22/2009	CASE DOCKETED TO EXAMINER IN GAU			
22	11/25/2008	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
21	01/11/2007	PRELIMINARY AMENDMENT			
20	01/11/2007	REQUEST FOR FOREIGN PRIORITY (PRIORITY PAPERS MAY BE INCLUDED)			
18	10/20/2008	REFERENCE CAPTURE ON IDS			
17	10/20/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
15	10/20/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
14	10/03/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
13	08/11/2008	REFERENCE CAPTURE ON IDS			
12	08/11/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
11	10/03/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
9	08/11/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
8	11/15/2007	PG-PUB ISSUE NOTIFICATION			
7	08/16/2007	APPLICATION DISPATCHED FROM OIPE			
6	01/11/2007	371 COMPLETION DATE			
5	08/07/2007	SENT TO CLASSIFICATION CONTRACTOR			
4	08/07/2007	NOTICE OF DO/EO ACCEPTANCE MAILED			
3	01/23/2007	CLEARED BY OIPE CSR			
2	01/23/2007	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	01/11/2007	INITIAL EXAM TEAM NN			

Search Another: Application# [ ] Search

EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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0 9 JAN 2009

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IP Group of DLA Piper US LLP
One Liberty Place
1650 Market St, Suite 4900
Philadelphia, PA 19103

In re Application of		
CROUAN, Alain	:	
Application No.: 11/632,242	:	
PCT No.: PCT/FR05/50588	:	
Int. Filing Date: 15 July 2005	:	DECISION
Priority Date: 15 July 2004	:	
Atty. Docket No.: BDM-07-1000	:	
For: DISC-SHAPED PACKAGE FOR A DIGITAL RECORDING MEDIUM	:	

This decision is issued in response to applicant's "Request for Corrected Filing Receipt and Corrected Notice of Acceptance" filed on 24 July 2008. The request is being treated as a petition under 37 CFR 1.181. No petition fee is due.

BACKGROUND

On 11 January 2007, applicant filed a Transmittal Letter (PTO-1390) requesting entry into the national stage in the United States of America under 35 U.S.C. 371. Filed with the Transmittal Letter were, *among others*, the requisite basic national fee; an application data sheet; and an information disclosure statement.

On 08 March 2007, applicant filed an executed declaration of inventorship.

On 17 January 2008, the United Stated Designated/Elected Office mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an English translation of the international application. Applicant submitted the English translation of the international application on 23 January 2008.

On 16 July 2008, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification of Acceptance of Application under 35 U.S.C. 371 AND 37 CFR 1.495" (Form PCT/DO/EO/903) which set forth the date of receipt 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) requirements as 23 January 2008 and a 35 U.S.C. 371 completion date of 23 January 2008.

On 24 July 2008, applicant filed "Request for Corrected Filing Receipt and Corrected Notice of Acceptance."

DISCUSSION

Applicant requests a corrected filing date (or 371(c) date) from 23 January 2008 to 13 August 2007. The actual filing date of the present application is the international filing date, i.e., 15 July 2005. (See 35 U.S.C. 363) The date in the filing date portion on the filing receipt of a national stage application is the date upon which the requirements set forth in 35 U.S.C. 371(c) for entry into the national stage were completed. (See MPEP §1895.01)

Applicant states in their present petition that the English translation of the international application was received at the United States Patent and Trademark Office on 13 August 2007. A review of the present application reveals that the English translation of the international application filed 13 August 2007 is not located therein. The best evidence of what was actually received by the Office is a postcard receipt containing a specific itemization of all the items being submitted. (See MPEP 503.) Here, applicants have provided a copy of their date-stamped filing receipt. The receipt itemizes, *among others*, an English translation of the international application. The receipt is stamped "Rec'd PCT/PTO 13 August 2007" across its face and is sufficient to indicate that the English translation of the international application was in fact received in the Office on 13 August 2007. Thus, the application met the requirements of 35 U.S.C. 371(c) and thus entered the national stage in the United States on 13 August 2007. Therefore, applicant's request to correct the Filing Receipt and Notice of Acceptance is granted.

CONCLUSION

Applicant's request under 37 CFR 1.181 for issuance of a corrected Notification of Acceptance and Official Filing Receipt is **GRANTED**.

The Notification of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.494 or 1.495 (Form PCT/DO/EO/903) mailed on 16 July 2008 is hereby **VACATED**.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for treatment in accordance with this decision, that is, for mailing of a NOTIFICATION OF ACCEPTANCE OF APPLICATION (Form PCT/DO/EO/903) which identifies a date of 13 August 2007 under 35 U.S.C. 371(c) and preparation and mailing of a corrected Filing Receipt in accordance with this decision, that is a filing receipt that identifies a filing date of 13 August 2007.

Thereafter, this application will be referred to its appropriate Art Unit.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel.: 571-272-3298
Facsimile: 571-273-0459

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 10/17/08

TO SPE OF : ART UNIT 1624

SUBJECT : Request for Certificate of Correction for Appl. No.: 11632246 Patent No.: 7375223 B2

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
South Tower - 9A22
Palm Location 7580

Lamonte M. Newsome
Certificates of Correction Branch
703-308-9390 ext. 112

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- [X] **Approved** — **All** changes apply.
- [ ] **Approved in Part** — Specify below which changes **do not** apply.
- [ ] **Denied** — State the reasons for denial below.

Comments: _____

SPE [signature] Art Unit 1624

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P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

0 4 JAN 2008

Ladas & Parry
26 West 61st Street
New York, NY 10023

In re Application of	:	
LLORENTE GONZALEZ, et al.	:	DECISION ON PETITION
U.S. Application No.: 11/632,247	:	
PCT No.: PCT/ES05/00409	:	UNDER 37 CFR 1.497(d)
Int. Filing Date: 22 July 2005	:	
Priority Date: 23 July 2004	:	
Atty Docket No.: U 016616-5	:	
For: MOVABLE INDEPENDENT CRANE SYSTEM USED TEMPORARILY FOR MOVING OR REPLACING COMPONENTS AND MOUNTING WIND GENERATORS	:	

This decision is in response to applicant's request to correct inventorship under 37 C.F.R. § 1.497(d) filed 18 June 2007 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 22 July 2005, applicant filed international application PCT/ES05/00409, which claimed priority of an earlier application filed 23 July 2004. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 09 February 2006. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 23 January 2007.

On 10 January 2007, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a preliminary amendment, an information disclosure statement, an assignment document for recording and a signed declaration.

On 08 February 2007, applicant filed the present petition to add Michael Friedrich and Karl Aarhus as inventors in the present U.S. National stage application.

DISCUSSION

A request under 37 CFR 1.497(d) [formally, 37 CFR 1.48] to correct an error in naming inventorship requires:

(1) a petition including a statement from each person being added or deleted as an inventor that the error in inventorship occurred without any deceptive intention on his or her part;

(2) an oath or declaration by the actual inventor(s) as required by 37 CFR 1.63;

(3) the fee set forth in 37 CFR 1.17(h); and

(4) if an assignment has been executed by any of the original named inventors, the written consent of the assignee in compliance with 37 CFR 3.73(b).

As to Item (1), applicant has provided a statement from Michael Friedrich and Karl Aarhus declaring that the errors in inventorship occurred without deceptive intent.

Regarding Item (2), applicant has presently filed a combined declaration and power of attorney executed by the inventors listed on the published international application, as well as, Michael Friedrich and Karl Aarhus.

As Item (3), applicant has provided payment of the $130.00 petition fee.

Regarding Item (4), applicant has provided a statement from the assignee consenting to the addition of Michael Friedrich and Karl Aarhus as inventors in the present application, as well as certification under 37 CFR 3.73(b) establishing the right of the assignee to take action.

As such, applicant has satisfied all four items detailed above and it is proper to grant applicant's petition at this time.

CONCLUSION

For the reasons discussed above, the request under 37 CFR 1.497(d) is **GRANTED**.

A review of the application papers reveals that applicant has now completed all the requirements of 35 U.S.C. 371 for entry into the national stage. This application has an international application filing date of 22 July 2005 and will be given a date of **18 June 2007** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

The application is being returned to the United States Designated/Elected Office for further processing in accordance with this decision

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294
Fax: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

17 FEB 2009

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Baker Botts L.L.P.
30 Rockefeller Plaza
44th Floor
New York, NY 10112-4498

In re Application of GAUSS et al. Application No.: 11/632,252 Receipt Date: January 10, 2007 Attorney Docket No.: 078287.0102 For: CHAIN LINK FOR A CIRCULATING CHAIN OF A MACHINE TOOL, AND DOUBLE END TENONER WITH GUIDE CHAIN FORMED FROM SAID CHAIN LINKS	:	DECISION ON PETITION UNDER 37 CFR 1.182

This decision is issued in response to applicants' "Petition under 37 CFR 1.182" filed January 16, 2009. The petition fee will be charged to Deposit Account no. 02-4377.

BACKGROUND

On January 10, 2007, applicant filed a Transmittal Letter to the United States Designated/Elected Office Concerning a Filing Under 35 U.S.C. 371 (Form PTO-1390) requesting processing of the instant application as a national stage application of an international application under 35 U.S.C. § 371 accompanied by: a description, claims, and abstract. However, the Transmittal Letter did not identify the international application (by application number) of which the instant application papers are to be treated as the national stage. The papers submitted on January 10, 2007 have been assigned application number 11/632,252.

On 16 January 2009, applicant filed the present "Petition under 37 CFR 1.182."

DISCUSSION

Applicant states in the present petition that, "the undersigned inadvertently and mistakenly filed the application with an incorrect form. The undersigned submitted a National Phase 35 U.S.C. 371 transmittal form rather than a 35 U.S.C. 111(a) Utility application transmittal form. As noted on the incorrect transmittal, the priority application was incorrectly entered as the 'International Application No.' In fact, no such PCT international application number exists."

As stated above, the Transmittal Letter did not identify the international application (by application number) of which the instant application papers are to be treated as the national stage, therefore, this application cannot presently be processed under 35 U.S.C. §371. However, the transmittal letter of January 10, 2007 was clearly an application for a United States patent. Applicant erred in identifying the application as a national stage application. The application papers contained all the elements necessary to obtain a filing date under 35 U.S.C. 111(a) and 37 CFR 1.53(b). Since applicant cannot proceed under 35 U.S.C. 371 and applicant has filed the necessary papers under 35 U.S.C. 111(a), it is appropriate in this instance to grant applicant's petition to accept the papers filed on January 10, 2007 as an application filed under 35 U.S.C. 111(a).

CONCLUSION

As so construed, the above-noted petition under 37 CFR 1.182 is **GRANTED**.

This application is being forwarded to the Office of Initial Patent Examination for processing as an application filed under 35 U.S.C. 111(a) with a filing date of January 10, 2007.

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26 JAN 2007

NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

In re Application of JECK et al	:	
U.S. Application No.: 11/632,318	:	
PCT Application No.: PCT/SE2005/001067	:	
Int. Filing Date: 30 June 2005	:	
Priority Date Claimed: 06 July 2004	:	DECISION
Attorney Docket No.: 2380-849	:	
For: ALIGNING RADIO BASE STATION NODE TRANSMISSION TIMING ON MULTIPLE TRANSMIT PATHS	:	

This is in response to applicant's "Petition to Revive Unintentionally Abandoned Application " filed 12 January 2007.

BACKGROUND

On 30 June 2005, applicant filed international application PCT/SE2005/001067, which claimed priority of an earlier United States application filed 06 July 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 12 January 2006. The thirty-month period for paying the basic national fee in the United States expired on 06 January 2007.

International application PCT/SE2005/001067 became abandoned as to the United States for failure to timely pay the basic national fee.

On 12 January 2007, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required reply under 35 U.S.C. 371.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), the petition states, "The entire delay from when the national phase was scheduled to be filed and the filing of this application was unintentional." This statement is interpreted as a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. If this is an incorrect interpretation in view of the rules, petitioner is required to provide a statement to that effect.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 30 June 2005, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 12 January 2007.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

Bryan Lin

Bryan Lin
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PCT Legal Office

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28 APR 2008

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In re Application of GISH *et al* U.S. Application No.: 11/632,365 PCT No.: PCT/US2005/024552 Int. Filing Date: 12 July 2005 Priority Date: 13 July 2004 Attorney Docket No.: DOL144 US For: UNBIASED ROUNDING FOR VIDEO COMPRESSION	:	**DECISION**

This decision is in response to applicants' request for a corrected filing receipt filed via facsimile on 26 February 2008 which is hereby **DISMISSED** as follows:

Applicants request that the "Filing or 371(c) Date" for the subject application be amended to 12 January 2007. A review of the subject application shows that applicants entered the national stage on 12 January 2007. Applicants then submitted a declaration in compliance with 37 CFR 1.497(a) and (b) on 12 April 2007.

Section 1893.03(b) of the MPEP explains that the filing date of the international stage application is also the filing date for the national stage application and states, in part:

> The "Application Filing Date" field . . . was changed to "Filing or 371 (c) Date" to clearly indicate that for international applications that enter the national stage under 35 U.S.C. 371, the information displayed in this field is the date of receipt of the 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) requirements. Applicants are quite often confused as to the true filing date and will ask for corrected filing receipts thinking that the information thereon is wrong. This explanation should offer some clarity. For most legal purposes, the filing date is the PCT international filing date . . .

As such, the "Filing or 371(c) Date" of "04/12/2007" recorded on the Notification of Acceptance of Application Under 35 U.S.C. 371 and 1.495 (Form PCT/DO/EO/903) and filing receipt mailed 14 June 2005 is correct. *See* 35 U.S.C. 371(c)(4).

11/632,365

The application will be forwarded to Technology Center 2100 for further processing.

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In re Application of	:	
Kiesewetter et al.	:	
Application No.: 11/632,386	:	
PCT No.: PCT/EP05/07571	:	
Int. Filing Date: 12 July 2005	:	DECISION
Priority Date: 12 July 2004	:	
Attorney Docket No.: 3636.1001-000	:	
For: Method For The Simple And Rapid Detection Of Cells And Biomolecules By Means Of Paramagnetic Particles	:	

This is in response to the petition under 37 CFR 1.182 filed on 29 August 2008.

DISCUSSION

This international application was filed on 12 July 2005 and claimed a priority date of 12 July 2004. The United States was designated. The International Bureau published the international application on 19 January 2006. The thirty month period for payment of the basic national fee in the United States expired as of midnight on 12 January 2007. On 12 January 2007, applicants filed *inter alia* the basic national fee.

On 17 September 2007, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants, requiring the submission of an oath or declaration compliant with 37 CFR 1.497(a) and (b) and the surcharge under 37 CFR 1.492(h).

On 15 April 2008, applicants filed a response, including a declaration and surcharge.

On 04 August 2008, a Notification of Defective Response (Form PCT/DO/EO/916) was mailed to applicants, indicating that the declaration of record was not properly executed and that the "third inventor's name on the declaration doesn't correspond with the name on the published application."

DISCUSSION

Inspection of the declaration of the inventors filed on 15 April 2008 reveals that it nominates "ADAM, Jean" in place of "ADAM, John" named in the published international application. In that this is clearly more than a mere typographic error or phonetic misspelling of applicant's name, a proper petition under 37 CFR 1.182 is required to resolve the discrepancy in the nominated inventive entity in order for the declaration filed on 15 April 2008 to be accepted. *See* MPEP §§ 605.04(b), 605.04(c) and 1893.01(e).

The instant petition under 37 CFR 1.182 notes "that 'Jean' is the French version of 'John' and that the third inventor is a Swiss citizen," and argues that the discrepancy in question should be regarded as a mere transliteration error. However, the discrepancy in question represents more

than an error in rendering the name into English characters, and the character of the discrepancy is such that it is not immediately clear that the person executing the declaration is the same person named on the published international application. Petitioner is required to furnish an explicit statement made on the basis of first-hand knowledge (e.g., by the inventor) that the person named in the publication is the same person named in and executing the declaration.

DECISION

The petition under 37 CFR 1.182 is **DISMISSED**, without prejudice.

If reconsideration on the merits of this matter is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time are available under 37 CFR 1.136(a). Failure to timely reply will result in **ABANDONMENT** of this application with respect to the national stage in the United States.

Please direct any further correspondence with respect to this matter to the Assistant Commissioner for Patents, Mail Stop PCT, P.O. Box 1450, Alexandria, VA 22313-1450, and address the contents of the letter to the attention of the Office of PCT Legal Administration

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18 DEC 2008

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In re Application of :
Kiesewetter et al. :
Application No.: 11/632,386 :
PCT No.: PCT/EP05/07571 :
Int. Filing Date: 12 July 2005 : DECISION
Priority Date: 12 July 2004 :
Attorney Docket No.: 3636.1001-000 :
For: Method For The Simple And Rapid Detection Of Cells :
And Biomolecules By Means Of Paramagnetic Particles:

This is in response to the renewed petition under 37 CFR 1.182 filed on 25 November 2008.

DISCUSSION

In a Decision mailed on 14 October 2008, the petition under 37 CFR 1.182 filed on 29 August 2008 was dismissed, without prejudice, because

> The instant petition under 37 CFR 1.182 notes "that 'Jean' is the French version of 'John' and that the third inventor is a Swiss citizen," and argues that the discrepancy in question should be regarded as a mere transliteration error. However, the discrepancy in question represents more than an error in rendering the name into English characters, and the character of the discrepancy is such that it is not immediately clear that the person executing the declaration is the same person named on the published international application. Petitioner is required to furnish an explicit statement made on the basis of first-hand knowledge (e.g., by the inventor) that the person named in the publication is the same person named in and executing the declaration.

In response, petitioner has provided a "Declaration by Dr. Klaus Doerr..." in which Dr. Doerr states that "John Adam" as nominated in the PCT Request filed on 12 July 2005 and "Jean Adam" as nominated in the Rule 4.17(iv) declaration filed on 21 September 2005 "are one and the same person." Dr. Doerr further states that "the correct spelling of inventor Adam's first name is 'Jean'." However, Dr. Doerr does not state that the inventor named in the declaration filed on 15 April 2008 is the same person as was identified in the published international application. Moreover, petitioner has neither presented a relevant statement from the inventor himself, nor adequately shown why such a statement is unavailable. For these reasons, it would not be appropriate to grant the requested relief on the basis of the present record.

DECISION

The petition under 37 CFR 1.182 is **DISMISSED**, without prejudice.

If reconsideration on the merits of this matter is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time are available

under 37 CFR 1.136(a). Failure to timely reply will result in **ABANDONMENT** of this application with respect to the national stage in the United States.

Please direct any further correspondence with respect to this matter to the Assistant Commissioner for Patents, Mail Stop PCT, P.O. Box 1450, Alexandria, VA 22313-1450, and address the contents of the letter to the attention of the Office of PCT Legal Administration

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In re Application of	:	
Kiesewetter et al.	:	
Application No.: 11/632,386	:	
PCT No.: PCT/EP05/07571	:	
Int. Filing Date: 12 July 2005	:	DECISION
Priority Date: 12 July 2004	:	
Attorney Docket No.: 3636.1001-000	:	
For: Method For The Simple And Rapid Detection Of Cells And Biomolecules By Means Of Paramagnetic Particles	:	

This is in response to the renewed petition under 37 CFR 1.182 filed on 05 March 2009.

DISCUSSION

In a Decision mailed on 18 December 2008, the renewed petition under 37 CFR 1.182 filed on 25 November 2008 was dismissed, without prejudice, because

> ... petitioner has provided a "Declaration by Dr. Klaus Doerr..." in which Dr. Doerr states that "John Adam" as nominated in the PCT Request filed on 12 July 2005 and "Jean Adam" as nominated in the Rule 4.17(iv) declaration filed on 21 September 2005 "are one and the same person." Dr. Doerr further states that "the correct spelling of inventor Adam's first name is 'Jean'." However, Dr. Doerr does not state that the inventor named in the declaration filed on 15 April 2008 is the same person as was identified in the published international application. Moreover, petitioner has neither presented a relevant statement from the inventor himself, nor adequately shown why such a statement is unavailable. For these reasons, it would not be appropriate to grant the requested relief on the basis of the present record.

In response, petitioner has provided a "Declaration By Mr. Jean Adam Under 37 C.F.R. §1.68," who indicates that the correct spelling of his name is "Jean," and that he is the same person as nominated in the published international application and in the declaration filed on 15 April 2008. Based on the totality of the evidence now of record, it would be appropriate to accept his name as it appears on the Declaration filed on 15 April 2008.

After further review, it is noted that the declaration filed on 15 April 2008 does not include, and is not accompanied by, the statement required under 37 CFR 1.69(b). Therefore, it would not be appropriate to accept the declaration at this time.

DECISION

The petition under 37 CFR 1.182 is **DISMISSED**, without prejudice.

If reconsideration on the merits of this matter is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time are available

under 37 CFR 1.136(a). Failure to timely reply will result in **ABANDONMENT** of this application with respect to the national stage in the United States.

Please direct any further correspondence with respect to this matter to the Assistant Commissioner for Patents, Mail Stop PCT, P.O. Box 1450, Alexandria, VA 22313-1450, and address the contents of the letter to the attention of the Office of PCT Legal Administration

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In re Application of Kiesewetter et al. Application No.: 11/632,386 PCT No.: PCT/EP05/07571 Int. Filing Date: 12 July 2005 Priority Date: 12 July 2004 Attorney Docket No.: 3636.1001-000 For: Method For The Simple And Rapid Detection Of Cells And Biomolecules By Means Of Paramagnetic Particles	:	DECISION

This is in response to the renewed petition under 37 CFR 1.182 filed on 13 May 2009.

DISCUSSION

In a Decision mailed on 30 March 2009, the renewed petition under 37 CFR 1.182 filed on 05 March 2009 was dismissed, without prejudice, because

> In response, petitioner has provided a "Declaration By Mr. Jean Adam Under 37 C.F.R. §1.68," who indicates that the correct spelling of his name is "Jean," and that he is the same person as nominated in the published international application and in the declaration filed on 15 April 2008. Based on the totality of the evidence now of record, it would be appropriate to accept his name as it appears on the Declaration filed on 15 April 2008.
>
> After further review, it is noted that the declaration filed on 15 April 2008 does not include, and is not accompanied by, the statement required under 37 CFR 1.69(b). Therefore, it would not be appropriate to accept the declaration at this time.

In response, petitioner asserts that "Applicants' attorney, who is fluent in German, hereby states that the translation is accurate." In view of this statement, the requirements of 37 CFR 1.69(b) now have been satisfied. Accordingly, it now would be appropriate to accept the declaration filed on 15 April 2009.

DECISION

The petition under 37 CFR 1.182 is **GRANTED**.

This application is being returned to the Office of Patent Application Processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **15 April 2008**.

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Joseph J Catanzaro
Abelman Frayne and Schwab
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New York, NY 10017-5621

Mail Date: 04/21/2010

Applicant	: Kyung In Park	: DECISION ON REQUEST FOR
Patent Number	: 7638043	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/632,393	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/11/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **569** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

2 4 NOV 2008

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In re Application of HARDING *et al* U.S. Application No.: 11/632,405 PCT No.: PCT/NZ2005/000170 Int. Filing Date: 12 July 2005 Priority Date: 12 July 2004 Attorney Docket No.: 14029/1 For: COMPUTER IMPLEMENTED METHODS OF LANGUAGE LEARNING	:	**DECISION**

This decision is in response to applicants' petition under 37 CFR 1.47(a) filed 04 August 2008.

BACKGROUND

On 02 January 2008, the Office mailed a Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) (Form PCT/DO/EO/905) indicating that an oath or declaration and the surcharge fee were required. Applicants were given two months to respond with extensions of time available.

On 04 August 2008, applicants filed the subject petition which was accompanied by, *inter alia*, a five-month extension and fee; a $65.00 surcharge fee; a declaration signed by three of the four named inventors on behalf of the nonsigning inventor; a $200.00 petition fee; a statement of facts by John Robert Powell; and some documentary evidence.

DISCUSSION

Applicants claim that co-inventor, Jon David Wenmoth, could not be reached and have filed the subject petition under 37 CFR 1.47(a).

A petition under 37 CFR 1.47(a) requires: (1) the petition fee; (2) factual proof that the missing joint inventor cannot be located or refuse to cooperate; (3) a statement of the last known address of the nonsigning joint inventor; (4) and an oath or declaration executed by the signing joint inventors on their behalf and on behalf of the nonsigning joint inventor.

Applicants submitted a $200.00 petition fee. The last known address of the

nonsigning inventor is listed. A declaration signed by three of the inventors was provided. This declaration complies with 37 CFR 1.497(a) and (b). Items (1), (3) and (4) are satisfied.

Regarding item (2), petitioners filed evidence showing that the made several attempts to contact the nonsigning inventor to no avail. However, there is no evidence that petitioners conducted an internet search of address and phone records for the missing inventor. Petitioners must also conduct a search for the inventor to satisfy MPEP § 409.03(d)(I). Documentary evidence of such a search should also be provided in any renewed petition.

For these reasons, item (2) of 37 CFR 1.47(a) is not yet complete.

CONCLUSION

Applicants' petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are available.

Any further correspondence with respect to this matter deposited with the United States Postal Service should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

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In re Application of HARDING *et al* U.S. Application No.: 11/632,405 PCT No.: PCT/NZ2005/000170 Int. Filing Date: 12 July 2005 Priority Date: 12 July 2004 Attorney Docket No.: 14029/1 For: COMPUTER IMPLEMENTED METHODS OF LANGUAGE LEARNING	:	**DECISION**

This decision is in response to the papers filed 26 May 2009 which are treated as a renewed petition under 37 CFR 1.47(a).

BACKGROUND

On 24 November 2008, a decision dismissing applicants' petition under 37 CFR 1.47(a) was mailed. Applicants were given two months to respond with extensions of time available under 37 CFR 1.136(a).

On 02 April 2009, a Notification of Abandonment (Form PCT/DO/EO/909) was mailed for failing to respond to the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) (Form PCT/DO/EO/905) mailed 02 April 2009.

On 06 May 2009, a withdrawal of the notice mailed 02 April 2009 was mailed.

On 26 May 2009, applicants filed the subject response which was accompanied by a four-month extension and fee and an executed declaration.

DISCUSSION

In the renewed petition, applicants submitted a declaration executed by all the inventors including the nonsigning inventor, Jon David Wenmoth. This declaration is in compliance with 37 CFR 1.497(a) & (b).

No further action on the petition under 37 CFR 1.47(a) is required.

CONCLUSION

For the reason discussed above, the renewed petition under 37 CFR 1.47(a) is **DISMISSED** as **MOOT**.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 12 July 2005 under 35 U.S.C. 363 and a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 26 May 2009.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.

James Thomson

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220 Fifth Avenue
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NEW YORK, NY 10001-7708

Mail Date: 04/21/2010

Applicant	: Nobuhiro Ueno	: DECISION ON REQUEST FOR
Patent Number	: 7665829	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/632,408	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/12/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **469** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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BACON & THOMAS, PLLC
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ALEXANDRIA VA 22314-1176

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MAY 15 2009

OFFICE OF PETITIONS

Applicant: Depreitere et al.
Appl. No.: 11/632,425
International Filing Date: July 13, 2005
Title: PROTECTIVE HELMET
Attorney Docket No.: DEPR3001/JEK
Pub. No.: US 2008/0066217 A1
Pub. Date: March 20, 2008

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221, received on May 19, 2008, for the above-identified application

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains a material error on the front page of the application wherein two inventors are missing, a priority claim was made to "PCT/BE05/00115" rather than "PCT/BE05/000115", and that isotropic polyurethane appears once as "PUI" rather than the correct "PU_1" which appears elsewhere in the specification.

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. [1]

The omission of an inventor's name does not affect the understanding of the application. The omissions do not affect the public's ability to appreciate the technical disclosure of the patent application publication, or determine the scope of the patent application publication or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

[1] Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

The Declaration forms submitted by applicant on January 12, 2007 are improper. An oath or declaration under 37 CFR 1.63 by each actual inventor must be presented. While each inventor need not execute the same oath or declaration, each oath or declaration executed by an inventor must contain a complete listing of all inventors so as to clearly indicate what each inventor believes to be the appropriate inventive entity. Where individual declarations are executed, they must be submitted as individual declarations rather than combined into one declaration (by combining the signature pages). See MPEP 201.03(II)(B) and MPEP 605.04(a).

Similarly, the omission of a leading "0" in a PCT application would still allow the public to discern the proper priority document, particularly in view of the fact that the electronic file wrapper of the case, having the proper number, is available to the public.

Furthermore, the misprint of "PUI" rather than the correct "PU_1" is not material, since the correct printing appears elsewhere in the document and is not of such nature that the public would believe a different term was being disclosed.

A "request for republication of an application previously published" filed under 37 CFR 1.221(a) "must include a copy of the application compliance with the Office's electronic filing system [EFS] requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." Applicant's petition does not comply with the EFS requirements. The republication will not take place and the publication fee set forth in § 1.18(d) has not been charged. The processing fee will be retained.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication" and questions or request for reconsideration of the decision, should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

http://www.uspto.gov/ebc/portal/tutorials.htm

Inquiries relating to this matter may be directed to Michael Cygan, Legal Advisor, at (571) 272-7700, or the undersigned at (571) 272-7709.

Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

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United States Patent and Trademark Office
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APR 08 2010

OFFICE OF PETITIONS

BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA VA 22314-1176

In re Application of	:	
Bart Depreitere et al.	:	
Application No. 11/632,425	:	DECISION ON PETITION
Filed: January 12, 2007	:	
Attorney Docket No. DEPR3001/JEK	:	

This is a decision on the REQUEST TO REMOVE FROM FILE, filed October 5, 2009 which is being treated as a petition under 37 CFR 1.59(b) to expunge information from the above identified application.

The petition is **dismissed**.

Petitioner requests that the document to request correction of a patent application publication filed on October 5, 2009, be expunged from the record. Petitioner states that this paper was meant to be filed in a different application, however all identifiers on this paper are for the instant application.

The petition is deficient because there is no statement that:

(B) the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted;
(C) the information has not otherwise been made public;
(D) there is a commitment on the part of the petitioner to retain such information for the period of any patent with regard to which such information is submitted.

Petitioner is directed to MPEP 724.05(II).

The petition fee of $200 has been charged to petitioner's deposit account.

Telephone inquiries concerning this communication should be directed to Carl Friedman at (571) 272-6842.

David Bucci
Petitions Examiner
Office of Petitions

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Commissioner for Patents
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BACON & THOMAS, PLLC
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ALEXANDRIA VA 22314-1176

MAILED

JUN 08 2010

OFFICE OF PETITIONS

Applicant: Guiseppe BiBono et al.
Appl. No.: 11/632,425
Filing Date: January 12, 2007
Title: Protective Helmet
Attorney Docket: DEPR3001/JJC
Pub. No.: US 2008/0066217 A1
Pub. Date: March 20, 2008

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on October 5, 2009, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains material errors.

37 CFR 1.221 (b) is applicable "only when the Office makes a **material mistake** which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable" A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. [1]

The request for corrected publication, received on October 5, 2009, was not timely filed under 37 CFR 1.221(b).

The instant request appears to be for another application.

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of

[1] Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication" and questions or request for reconsideration of the decision, should be addressed as follows:

Inquiries relating to this matter may be directed to Michael Cygan at (571) 272-7700, or to the undersigned at (571) 272-7709.

Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

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Steven M Hertzberg
Abelman Frayne and Schwab
666 Third Avenue
New York, NY 10017-5621

Mail Date: 06/18/2010

Applicant	: Bradley Desmond Leslie Murray	: DECISION ON REQUEST FOR
Patent Number	: 7662297	: RECALCULATION of PATENT
Issue Date	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/632,430	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 08/27/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **166** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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Garden City, New York 11530

In re Application of	:	DECISION ON
CHAO et al	:	
Application No.: 11/632,441	:	
PCT No.: PCT/US2005/024700	:	PETITION UNDER
Int. Filing Date: 12 July 2005	:	
Priority Date: 12 July 2004	:	
Attorney's Docket No.: 19003 (PC32960A)	:	37 CFR 1.47(a)
For: FIBROUS SUPPORT INTENDED ... LIQUID	:	

This decision is in response to petitioner's "PETITION UNDER 37 CFR 1.183" submitted on 17 June 2008, which is being treated as a petition under 37 CFR 1.47(a) requesting the acceptance of the application without the signature of inventors Thomas L Deckwerth, Paul S. Furth, Brett R. Ullman, and Michael I. Weinhouse. Petitioner has not submitted the requisite $200 petition fee set forth by 37 CFR 1.17(g). The petition of $400 submitted by petitioner under 37 CFR 1.17(f) will be refunded to Deposit Account No.: 19-1013/SSMP.

BACKGROUND

On 12 July 2005, applicants filed international application PCT/US05/024700, which claimed priority of an earlier application filed 12 July 2004. The thirty-month period for paying the basic national fee in the United States expired at midnight on 12 January 2007.

On 12 January 2007, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, inter alia, the requisite basic national fee as required by 35 U.S.C. 371(c)(1). However, no executed declaration or oath was submitted at such time.

On 21 November 2007, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905) which informed applicant, inter alia, that an "Oath or Declaration of the inventors, in compliance with 37 CFR 1.497(a), and (b) identifying the application by the international application number and international filing date." The notification further stated that all items must be submitted within two months from the date of mailing or by 32 months from the priority date for the application in order to avoid abandonment of the national stage application.

On 17 June 2008, petitioner filed, *inter alia*, the present petition which is being treated as a petition under 37 CFR 1.47(a), and a Declaration executed by Bin Chao, Steven D Linton and Alfred P. Spada on their behalf and on behalf on the nonsigning inventors, Thomas L Deckwerth, Paul S. Furth, Brett R. Ullman, and Michael I. Weinhouse.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR **1.17(g)**, (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

Furthermore, section 409.03(d) of the Manual of Patent Examining Procedure (M.P.E.P.) **Proof of Unavailability or Refusal**, the relevant sections states, in part:

> **REFUSAL TO JOIN:**
>
> A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney. The fact that an application may contain proprietary information does not relieve the **37 CFR 1.47** applicant of the responsibility to present the application papers to the inventor if the inventor is willing to receive the papers in order to sign the oath or declaration. It is noted that the inventor may obtain a complete copy of the application, unless the inventor has assigned his or her interest in the application, and the assignee has requested that the inventor not be permitted access. See **MPEP § 106**. It is reasonable to require that the inventor be presented with the application papers before a petition under **37 CFR 1.47** is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. *In re Gray*, 115 USPQ 80 (Comm'r Pat. 1956).
>
> Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.

> Proof that a *bona fide* attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written
>
> refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.
>
> When it is concluded by the **37 CFR 1.47** applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

Petitioner has satisfied item (4) of 37 CFR 1.47(a). However, items (1), (2), and (3) have not been satisfied.

Regarding requirement (1), petitioner has not provided the petition fee of $200.00 under 37 CFR 1.17(g).

In this case regarding item (2), it has not been sufficiently demonstrated that a copy of the application papers were presented to the nonsigning inventors, Thomas L Deckwerth, Paul S. Furth, Brett R. Ullman, and Michael I. Weinhouse. Petitioner states that documents were sent and delivered to Thomas L Deckwerth, on August 24, 2007 to Paul S. Furth, and Michael Weinhouse on August 24, 2007, and Brett Ullman on August 24, 2007. However, it is unclear what documents papers were forwarded to them because only the declaration is mentioned. Thus, the documents forwarded to them do not appear to include a copy of the complete application papers (specification, including claims, drawings, and oath or declaration) as required under MPEP 409.03(d).

In addition, petitioner has not provided documentary evidence such as the cover letters forwarded to the nonsigning inventors.

Regarding item (3), petitioner has provided a specific statement of the last known addresses of the missing inventors.

Regarding item (4), petitioner has provided an executed declaration signed by Bin Chao, Steven D Linton and Alfred P. Spada on their behalf and on behalf on the nonsigning inventors, Thomas L Deckwerth, Paul S. Furth, Brett R. Ullman, and Michael I. Weinhouse.

Consequently, the petition does not satisfy all the requirements under 37 CFR 1.47(a).

CONCLUSION

The petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Rafael Bacares
PCT Legal Examiner
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Garden City Plaza, Suite 300
Garden City, New York 11530

In re Application of	DECISION ON
CHAO et al	
Application No.: 11/632,441	
PCT No.: PCT/US2005/024700	PETITION UNDER
Int. Filing Date: 12 July 2005	
Priority Date: 12 July 2004	
Attorney's Docket No.: 19003 (PC32960A)	37 CFR 1.47(a)
For: FIBROUS SUPPORT INTENDED ... LIQUID	

This is in response to the "RENEWED PETITION UNDER 37 CFR 1.47(a)" filed on 18 June 2009.

BACKGROUND

In a decision from this Office on 18 November 2008, the petition filed on 17 June 2008 was dismissed. The decision indicated that petitioner failed to meet items (1) and (2) –(3) under 37 CFR 1.47(a).

On 18 June 2009, petitioner submitted a renewed petition accompanied, inter alia, with another set of an executed declaration signed by Paul S. Furth and additional evidence to support on filing without the nonsigning joint inventors Thomas L Deckwerth, Brett R. Ullman, and Michael I. Winhouse.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

Petitioner has still not satisfied items (2) and (3) of 37 CFR 1.47(a).

Regarding item (1) the petition fee under 37 CFR 1.17(g) of $200.00 has been charged to petitioner's Deposit Account No.: 19-1013/SSMP.

Regarding item (2), petitioner has met this requirement with respect to nonsigning joint inventor Michael I. Weinhouse because a complete copy of the application papers (as specified by the cover letter) was mailed and delivered on April 2, 2009 to him as required.

However, with respect to nonsigning joint inventors Thomas L. Deckwerth and Brett R. Ullman it is unclear if they still reside in the last known addresses where the papers were mailed because no evidence has been submitted showing that the application papers were delivered to them.

Where the Office is being asked to accept the silence of the nonsigning inventors' as evidence of a refusal to sign, petitioner must provide some evidence that the application materials have been received by the nonsigning applicants. Absent further firsthand evidence that the application and request for signature were received by the nonsigning inventors, item (2) cannot be considered satisfied.

If Mr. Deckwerth and Brett R. Ullman do not reside in their last known addresses, then petitioner is under an obligation to try to find or reach them. Where there is an inability to find or reach a joint inventor "after diligent effort, " petitioner may file a statement of facts that fully describes the exact facts which are relied on to establish that a diligent effort was made under **37 CFR 1.47**.

Regarding item (3), the last known addresses of joint inventors Thomas L. Deckweth and Brett R. Ullman has been specifically stated in the petition. However, the last known address of Micahel I. Weinhouse has not been affirmatively stated in the petition.

Consequently, the petition does not satisfy all the items under 37 CFR 1.47(a).

CONCLUSION

The petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration of the merits of the petition under 37 CFR 1.47(a) is desired, applicant must file a request for reconsideration within **TWO (2) MONTHS** from the mail date of this Decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)."

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

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In re Application of	DECISION ON
CHAO et al	
Application No.: 11/632,441	
PCT No.: PCT/US2005/024700	PETITION UNDER
Int. Filing Date: 12 July 2005	
Priority Date: 12 July 2004	
Attorney's Docket No.: 19003 (PC32960A)	37 CFR 1.47(a)
For: FIBROUS SUPPORT INTENDED ... LIQUID	

This is in response to the "RENEWED PETITION UNDER 37 CFR 1.47(a)" filed on 19 October 2009.

BACKGROUND

In a decision from this Office on 19 October 2009, the petition filed on 18 June 2009 was dismissed. The decision indicated that petitioner failed to meet items (1) and (2) –(3) under 37 CFR 1.47(a).

On 18 June 2009, petitioner submitted a renewed petition accompanied, inter alia, with another set of an executed declaration signed by Paul S. Furth and additional evidence to support on filing without the nonsigning joint inventors Thomas L Deckwerth, Brett R. Ullman, and Michael I. Winhouse.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

Petitioner has still not satisfied items (2) of 37 CFR 1.47(a).

Regarding item (2), as indicated in the last decision, petitioner has met this requirement with respect to nonsigning joint inventor Michael I. Weinhouse because a complete copy of the application papers (as specified by the cover letter) was mailed and delivered on April 2, 2009 to him as required.

However, with respect to nonsigning joint inventors Thomas L. Deckwerth and Brett R. Ullman it is still unclear if they still reside in the last known addresses where the papers were mailed because no evidence has been submitted showing that the application papers were delivered to them and the follow up mail communications have been returned as undeliverable.

As stated in the last decision, where the Office is being asked to accept the silence of the nonsigning inventors' as evidence of a refusal to sign, petitioner must provide some evidence that the application materials have been received by the nonsigning applicants. Absent further firsthand evidence that the application and request for signature were received by the nonsigning inventors, item (2) cannot be considered satisfied.

If Mr. Deckwerth and Brett R. Ullman do not reside in their last known addresses, then petitioner is under an obligation to try to find or reach them. Where there is an inability to find or reach a joint inventor "after diligent effort, " petitioner may file a statement of facts that fully describes the exact facts which are relied on to establish that a diligent effort was made under **37 CFR 1.47**.

Although, Mr. Bernstein affidavit on Par. 3 states that he has, "I have personally addresses and phone numbers for each of the individuals sought," is vague as to what diligent efforts were made to locate Messrs. Deckwerth and Ullman. Also, even though Mr. Bernstein states that he has called and left detailed messages in their answering machines, he has indicated the dates and approximate time he has called them. In addition, he indicates he is not sure if they are either not residing there or refusing to execute the documents.

Consequently, Mr. Berstein's declaration fails to show diligent effort to locate inventors Derkwerth and Ullman because no proof to corroborate his actions that they could not be reached after diligent effort has been provided. For example, he has not shown that he has searched for the above non-signing inventors' new address by using a broad search in the internet (google), using a phone directory to try to locate them and inquiring through their former co-workers or Human Resources Office is they left a forwarding address. As such, if they above results shows that they reside in their addresses then the non-signing joint inventors' actions can be construed as refusing to sign as long Mr. Bernstein states the dates he called and approximate time.

Accordingly, at this time it can not be concluded that the nonsigning joint inventors could not be reached after diligent effort as stipulated under 37 CFR 1.47(a).

Regarding item (3), the last known addresses of joint inventors Thomas L. Deckweth, Brett R. Ullman , and Micahel I. Weinhouse has been affirmatively stated in the petition.

Consequently, the petition does not satisfy all the items under 37 CFR 1.47(a).

CONCLUSION

The petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration of the merits of the petition under 37 CFR 1.47(a) is desired, applicant must file a request for reconsideration within **TWO (2) MONTHS** from the mail date of this Decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)."

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

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- 9 APR 2010

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Garden City, New York 11530

In re Application of	DECISION ON RENEWED
CHAO et al	
Application No.: 11/632,441	
PCT No.: PCT/US2005/024700	
Int. Filing Date: 12 July 2005	PETITION UNDER
Priority Date: 12 July 2004	
Attorney's Docket No.: 19003 (PC32960A)	
For: FIBROUS SUPPORT INTENDED ... LIQUID	37 CFR 1.47(a)

This decision is in response to applicants' "SUBMISSION OF DECLARATION" submitted on 05 February 2010, which is being treated as a renewed petition under 37 CFR 1.47(a).

BACKGROUND

The decision by this Office dated 08 December 2009 indicated that item (2) of 37 CFR 1.47(a) had not been satisfied.

On 05 February 2010, petitioner filed this renewed petition accompanied, inter alia, a composite executed declaration signed by co-inventors Thomas L. Deckwerth, Brett R. Ullman, and Michael I. Weinhouse.

DISCUSSION

The renewed petition has included a composite executed declaration signed by co-inventors Thomas L. Deckwerth, Brett R. Ullman, and Michael I. Weinhouse. The declaration is now signed by all the inventors.

Accordingly, the declaration submitted on 05 February 2010 complies with 37 CFR 1.497(a) and (b).

CONCLUSION

The petition under 37 CFR 1.47(a) is **MOOT**.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing consistent with this decision. The 35 USC 371(c)(1), (c)(2), and (c)(4) date of this application is **05 February 2010.**

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Tel: (571) 272-3276
Fax: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

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EXXONMOBIL CHEMICAL COMPANY
5200 BAYWAY DRIVE
P.O. BOX 2149
BAYTOWN, TX 77522-2149

Mail Date: 05/07/2010

Applicant	: Raphael Frans Caers	: DECISION ON REQUEST FOR
Patent Number	: 7667080	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/632,446	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/12/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

05 JAN 2009

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EDWARDS ANGELL PALMER & DODGE LLP
P.O. BOX 55874
BOSTON MA 02205

In re Application of	:	
HINUMA et al	:	
Application No.: 11/632,459	:	
PCT No.: PCT/JP2005/013220	:	
Int. Filing Date: 12 July 2005	:	DECISION
Priority Date: 13 July 2004	:	
Attorney Docket No.: 67102(46342)	:	
For: METHOD OF CONTROLLING CELL FUNCTIONS	:	

The decision is in response to applicants' submission filed in the USPTO on 27 October 2008, which has properly been treated as a petition under 37 CFR 1.182.

BACKGROUND

On 12 July 2005, applicants filed international application PCT/JP2005/013220 which designated the United States and claimed a priority date of 13 July 2004. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 19 January 2006. The thirty-month period for paying the basic national fee in the United States expired at midnight on 16 January 2007 (13 January 2007 being a Saturday and 15 January 2007 being a Federal holiday).

On 12 January 2007, applicants filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the basic national fee and an executed declaration of inventors.

On 25 August 2008, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/903) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required because the declaration filed 12 January 2007 contained an inconsistency regarding the last name of the third inventor: the inventor is identified as Rie SATO on the Form PCT/IB/306 while she is identified as Rie KUNISADA on the declaration.

On 27 October 2008, applicants filed the instant submission which explains that the last name of the third inventor has been changed as a result of marriage.

DISCUSSION

In instances where an inventor has changed his or her name after the application has been filed, a petition under 37 CFR 1.182 must be submitted. The petition must include (1) the appropriate petition fee and (2) an affidavit signed with both names setting forth the procedure whereby the change of name was effected, or a certified copy of the court order.

Item (1) has not been met. The petition fee has not been paid.

Item (2) has not been met. No affidavit has been provided.

CONCLUSION

For the reasons set forth above, the petition under 37 CFR 1.182 is **DISMISSED** without prejudice.

Applicant is hereby given the time limit of **TWO (2) MONTHS** from the mail date of this communication in order to file a proper response. Extensions of time may be obtained under 37 CFR 1.136(a).

Failure to timely file a proper response to this decision in a timely manner will result in abandonment of the application with regards to national stage prosecution in the United States.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web or if mailed should be addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301

1 1 MAY 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

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EDWARDS ANGELL PALMER & DODGE LLP
P.O. BOX 55874
BOSTON MA 02205

In re Application of	:	
HINUMA et al	:	
Application No.: 11/632,459	:	
PCT No.: PCT/JP2005/013220	:	
Int. Filing Date: 12 July 2005	:	DECISION
Priority Date: 13 July 2004	:	
Attorney Docket No.: 67102(46342)	:	
For: METHOD OF CONTROLLING CELL	:	
FUNCTIONS	:	

The decision is in response to applicants' renewed petition under 37 CFR 1.182 filed in the USPTO on 25 February 2009.

BACKGROUND

On 12 July 2005, applicants filed international application PCT/JP2005/013220 which designated the United States and claimed a priority date of 13 July 2004. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 19 January 2006. The thirty-month period for paying the basic national fee in the United States expired at midnight on 16 January 2007 (13 January 2007 being a Saturday and 15 January 2007 being a Federal holiday).

On 12 January 2007, applicants filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the basic national fee and an executed declaration of inventors.

On 25 August 2008, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/903) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) was required because the declaration filed 12 January 2007 contained an inconsistency regarding the last name of the third inventor: the inventor is identified as Rie SATO on the Form PCT/IB/306 while she is identified as Rie KUNISADA on the declaration.

On 27 October 2008, applicants filed a submission which explained that the last name of the third inventor had been changed as a result of marriage. The submission was properly treated as a petition under 37 CFR 1.182.

On 05 January 2009, a decision was mailed dismissing without prejudice applicants' petition under 37 CFR 1.182.

On 25 February 2009, applicants filed the instant renewed petition under 37 CFR 1.182.

DISCUSSION

In instances where an inventor has changed his or her name after the application has been filed, a petition under 37 CFR 1.182 must be submitted. The petition must include (1) the appropriate petition fee and (2) an affidavit signed with both names setting forth the procedure whereby the change of name was effected, or a certified copy of the court order.

As to item (1), the petition fee has been paid.

With regard to item (2), the affidavit of Rie Kunisada is an affidavit setting forth both names (Rie Sato and Rie Kunisada) and the procedure (marriage) whereby the change of name was effected. The affidavit is accepted.

Declaration of Inventors

The declaration of inventors filed 12 January 2007 is in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

For the reasons set forth above, the petition under 37 CFR 1.182 is **GRANTED**.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application.

/Daniel Stemmer/

Daniel Stemmer
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2 9 APR 2009

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Baker Botts L.L.P.
30 Rockefeller Plaza
44th Floor
New York, NY 10112-4498

In re Application of GAUSS et al. Application No.: 11/632,461 Receipt Date: January 10, 2007 Attorney Docket No.: 078287.0103 For: PROCESS AND APPARATUS FOR THE PRINTING OF PANEL-SHAPED WORKPIECES	: : : : : : :	DECISION ON PETITION UNDER 37 CFR 1.182

This decision is issued in response to applicants' "Request for Corrected Filing Receipt" dated June 27, 2008 and applicants' "Petition under 37 CFR 1.182" filed January 16, 2009. The petition fee will be charged to Deposit Account no. 02-4377.

BACKGROUND

On January 10, 2007, applicant filed a Transmittal Letter to the United States Designated/Elected Office Concerning a Filing Under 35 U.S.C. 371 (Form PTO-1390) requesting processing of the instant application as a national stage application of an international application under 35 U.S.C. § 371 accompanied by: a description, claims, and abstract. However, the Transmittal Letter identified the international application as EP06004713 to which the instant application papers are to be treated as the national stage.

On October 22, 2007, applicant filed a declaration of inventorship. The declaration identified a priority claim under 35 U.S.C. 119(e) to European Patent application, EP06004713, filed March 08, 2006.

On June 25, 2008, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification of Acceptance of Application under 35 U.S.C. 371 AND 37 CFR 1.495" (Form PCT/DO/EO/903) which set forth the date of receipt 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) requirements as October 22, 2007 and a 35 U.S.C. 371 completion date of October 22, 2007.

On June 27, 2008, applicant filed a "Request for a Corrected Filing Receipt."

On January 16, 2009, applicant filed the present "Petition under 37 CFR 1.182."

DISCUSSION

Applicant states in the present petition that, "the undersigned inadvertently and mistakenly filed the application with an incorrect form. The undersigned submitted a National Phase 35 U.S.C. 371 transmittal form rather than a 35 U.S.C. 111(a) Utility application transmittal form. As noted on the incorrect transmittal, the priority application was incorrectly entered as the 'International Application No.' In fact, no such PCT international application number exists."

As stated above, the Transmittal Letter did not identify the international application (by application number) of which the instant application papers are to be treated as the national stage, therefore, this application cannot presently be processed under 35 U.S.C. §371. However, the transmittal letter of January 10, 2007 was clearly an application for a United States patent. Applicant erred in identifying the application as a national stage application. The application papers contained all the elements necessary to obtain a filing date under 35 U.S.C. 111(a) and 37 CFR 1.53(b). Since applicant cannot proceed under 35 U.S.C. 371 and applicant has filed the necessary papers under 35 U.S.C. 111(a), it is appropriate in this instance to grant applicant's petition to accept the papers filed on January 10, 2007 as an application filed under 35 U.S.C. 111(a).

CONCLUSION

As so construed, the above-noted petition under 37 CFR 1.182 is **GRANTED**.

Accordingly, the June 25, 2008, Notification of Acceptance of Application is hereby **VACATED**.

This application is being forwarded to the Office of Initial Patent Examination for processing as an application filed under 35 U.S.C. 111(a) with a filing date of January 10, 2007.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3298
Facsimile: (571) 273-0459

2 8 MAR 2007

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Jeffrey M. Greenman
BAYER PHARMACEUTICALS CORPORATION
400 Morgan Lane
West Haven, CT 06516

In re Application of WHELEN *et al* U.S. Application No.: 11/632,465 PCT No.: PCT/US2005/020469 Int. Filing Date: 10 June 2005 Priority Date: 12 June 2004 Attorney Docket No.: 5201 For: PEGYLATION OF VASOACTIVE INTESTINAL PEPTIDE (VIP) PITUITARY . . .	**DECISION ON PETITION FOR REVIVAL UNDER 37 CFR 1.137(b)**

Applicants' petition to revive under 37 CFR 1.137(b) filed on 12 March 2007 is hereby **GRANTED** as follows:

Applicants submitted the national stage application and basic national fee on 12 January 2007. The $1,500.00 petition fee has been charged to Deposit Account No. 13-3372 as authorized. Applicants made the required statement pursuant to 37 CFR 1.137(b)(3). A terminal disclaimer is not required. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

This application is being forwarded to the United States Designated/Elected Office for further processing including mailing a Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and a surcharge fee pursuant to 37 CFR 1.492(h) are required.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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APR 2 1 2010

OFFICE OF PETITIONS

MARTIN D. MOYNIHAN d/b/a PRTSI, INC.
P.O. BOX 16446
ARLINGTON VA 22215

In re Application of	:	
Mali Arel et al.	:	
Application No. 11/632,475	:	DECISION ON PETITION
Filed: January 16, 2007	:	
Attorney Docket No. 34517	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 25, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed May 18, 2009, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on August 19 2009. A Notice of Abandonment was mailed on December 23, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $810 and (3) a proper statement of unintentional delay. Accordingly, the amendment is accepted as being unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to Technology Center AU 3781 for appropriate action by the Examiner in the normal course of business on the reply received January 25, 2010.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

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United States Patent and Trademark Office
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CROCKETT & CROCKETT, P.C.
26020 ACERO
SUITE 200
MISSION VIEJO, CA 92691

Mail Date: 04/21/2010

Applicant	: Rongshan Yu	: DECISION ON REQUEST FOR
Patent Number	: 7656319	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/632,486	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/20/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **257** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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30 JAN 2007

Arthur R. Crawford
Nixon & Vanderhye, P.C.
901 North Glebe Road, 11th Floor
Arlington, VA 22203

In re Application of	:	
HENRIKSEN	:	
U.S. Application No.: 11/632,557	:	DECISION ON PETITION
PCT No.: PCT/GB05/02411	:	
Int. Filing Date: 17 June 2005	:	UNDER 37 CFR 1.137(b)
Priority Date: 18 June 2004	:	
Attorney Docket No.: ARC-613-116	:	
For: METHOD AND APPARATUS FOR EXTRACTING CONTAMINANTS FROM WATER	:	

The petition to revive under 37 CFR 1.137(b) filed 17 January 2007 in the above-captioned application is hereby **GRANTED** as follows:

37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. If the statement contained in the instant petition varies from the language required by 37 CFR 1.137(b)(3), the statement contained in the instant petition is being construed as the statement required by 37 CFR 1.137(b)(3) and petitioner must notify the Office if this is **not** a correct interpretation of the statement contained in the instant petition.

A review of the application file reveals that applicant has now provided payment of the full, U.S. Basic National fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the United States Designated/Elected Office (US/DO/EO) for continued processing including the issuance of a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that a compliant, executed oath or declaration of the inventor is required.

Derek A. Putonen
Attorney Advisor
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Tel: (571) 272-3294
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In re Application of
Joyce A. Osborn

Application No. 11632561

Filed: January 16,2007

Attorney Docket No. osborn 4

:DECISION ON PETITION TO MAKE SPECIAL
:UNDER 37 CFR 1.102(c)(1)

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1) ,filed 16-APR-2008 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded “special” status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquires concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

PTO/SB/130 (03-08)
Approved for use through 04/30/2008. OMB 0651- 0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

PETITION TO MAKE SPECIAL BASED ON AGE FOR ADVANCEMENT OF EXAMINATION UNDER 37 CFR 1.102(c)(1)

Application Information

Application Number	11632561	Confirmation Number	8869	Filing Date	2007-01-16
Attorney Docket Number (optional)		Art Unit	3732	Examiner	TBD
First Named Inventor	Joyce A. Osborn				
Title of Invention	TOOTH WHITENING LENS WITH BITE PLATE				

Attention: Office of Petitions

An application may be made special for advancement of examination upon filing of a petition showing that the applicant is 65 years of age, or more. No fee is required with such a petition. See 37 CFR 1.102(c)(1) and MPEP 708.02 (IV).

APPLICANT HEREBY PETITIONS TO MAKE SPECIAL FOR ADVANCEMENT OF EXAMINATION IN THIS APPLICATION UNDER 37 CFR 1.102(c)(1) and MPEP 708.02 (IV) ON THE BASIS OF THE APPLICANT'S AGE.

A grantable petition requires one of the following items:
(1) Statement by one named inventor in the application that he/she is 65 years of age, or more; or
(2) Certification by a registered attorney/agent having evidence such as a birth certificate, passport, driver's license, etc. showing one named inventor in the application is 65 years of age, or more.

Name of Inventor who is 65 years of age, or older

Given Name	Middle Name	Family Name	Suffix
Joyce	A	Osborn	

A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18.
Please see 37 CFR 1.4(d) for the format of the signature.

Select (1) or (2) :

○ (1) I am an inventor in this application and I am 65 years of age, or more.

◉ (2) I am an attorney or agent registered to practice before the Patent and Trademark Office, and I certify that I am in possession of evidence, and will retain such in the application file record, showing that the inventor listed above is 65 years of age, or more.

Signature	/kenneth m bush/	Date (YYYY-MM-DD)	2008-04-16
Name	Kenneth M. Bush	Registration Number	40544

PTO/SB/130 (03-08)
Approved for use through 04/30/2008. OMB 0651- 0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Fr eedom of Information Act requires disclosure of these records.

2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.

4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).

5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.

6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).

7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about indivi duals.

8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.

9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

3 1 MAR 2008

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K.F. ROSS P.C.
5683 RIVERDALE AVENUE
SUITE 203 BOX 900
BRONX NY 10471-0900

In re Application of	:	
KLAPDOR et al.	:	
Application No.: 11/632,566	:	
PCT No.: PCT/EP2005/006669	:	
Int. Filing Date: 21 June 2005	:	DECISION
Priority Date: 15 July 2004	:	
Attorney Docket No.: 23800	:	
For: Rolling Mill For Rolling Metal Products	:	

This is in response to the correspondence filed on 04 December 2007.

BACKGROUND

This international application was filed on 21 June 2005 and claimed a priority date of 15 July 2004. The United States was designated. The International Bureau published the international application on 26 January 2006. The thirty month period for payment of the basic national fee in the United States expired as of midnight on 16 January 2007 (since Monday, 15 January 2007 was a holiday). On 16 January 2007, applicants filed *inter alia* the basic national fee.

On 29 September 2006, the International Bureau of WIPO mailed a Notification Of The Recording Of A Change (Form PCT/IB/306) adding OHRNDORF, Ralf as an applicant/inventor.

On 05 July 2007, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants, requiring the submission of an oath or declaration compliant with 37 CFR 1.497(a) and (b).

DISCUSSION

Inspection of the declaration of the inventors filed on 04 December 2007 reveals that it nominates "Klapdor ARMIN" and "Ohrndorf RALF" in place of "KLAPDOR, Armin" shown on the published international application and "OHRNDORF, Ralf" shown on Form PCT/IB/306. That is, the order of each name has been reversed. In that this is clearly more than a mere typographic error or phonetic misspelling of applicant's name, a proper petition under 37 CFR 1.182 (including the requisite $400.00 petition fee) is required to resolve the discrepancy in the nominated inventive entity in order for the declaration filed on 04 December 2007 to be accepted. *See* MPEP §§ 605.04(b) and 605.04(c).

DECISION

The declaration filed 04 December 2007 is **NOT ACCEPTED**, without prejudice.

If reconsideration on the merits of this matter is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time are available

under 37 CFR 1.136(a). Failure to timely reply will result in **ABANDONMENT** of this international application with respect to the national stage in the United States.

Please direct any further correspondence with respect to this matter to the Assistant Commissioner for Patents, Mail Stop PCT, P.O. Box 1450, Alexandria, VA 22313-1450, and address the contents of the letter to the attention of the Office of PCT Legal Administration

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459

United States Patent and Trademark Office

12 MAY 2008

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K.F. ROSS P.C.
5683 RIVERDALE AVENUE
SUITE 203 BOX 900
BRONX NY 10471-0900

In re Application of	:	
KLAPDOR et al.	:	
Application No.: 11/632,566	:	
PCT No.: PCT/EP2005/006669	:	
Int. Filing Date: 21 June 2005	:	DECISION
Priority Date: 15 July 2004	:	
Attorney Docket No.: 23800	:	
For: Rolling Mill For Rolling Metal Products	:	

This is in response to the petition under 37 CFR 1.182 filed on 10 April 2008.

DISCUSSION

In a Decision mailed on 31 March 2008, the declaration filed on 04 December 2007 was not accepted, without prejudice, because

> ...it nominates "Klapdor ARMIN" and "Ohrndorf RALF" in place of "KLAPDOR, Armin" shown on the published international application and "OHRNDORF, Ralf" shown on Form PCT/IB/306. That is, the order of each name has been reversed. In that this is clearly more than a mere typographic error or phonetic misspelling of applicant's name, a proper petition under 37 CFR 1.182 (including the requisite $400.00 petition fee) is required to resolve the discrepancy in the nominated inventive entity in order for the declaration filed on 04 December 2007 to be accepted. *See* MPEP §§ 605.04(b) and 605.04(c).

In response, petitioner has filed the instant petition under 37 CFR 1.182, which explains the origin of the discrepancy as a "purely typographical error in the transcription of the foreign names." The petition is accompanied by a new declaration correctly nominating the inventive entity, which is acceptable for purposes of compliance with 37 CFR 1.497(a) and (b).

DECISION

The declaration is **ACCEPTED**, as described above.

This application is being forwarded to the Office of Patent Application Processing for further processing, with a date under 35 U.S.C. 371(c)(1), (2) and (4) of **10 April 2008**.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
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2 1 JUN 2007

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GCC IP PTY LTD.
P.O. BOX 2920
GERALDTON, WA
AUSTRALIA 6530

In re Application of	:	
KEUNG, Samuel Tsui Wai et al.	:	
Application No.: 11/632,577	:	
PCT No.: PCT/US05/26130	:	
Int. Filing Date: 25 July 2005	:	DECISION
Priority Date: 23 July 2004	:	
Attorney's Docket No.: Not Provided	:	
For: Resilient Driving Force Member	:	

This is a decision on applicants' second filing of National Stage application papers for international application PCT/US05/26130 under 35 U.S.C. 371.

BACKGROUND

On 25 July 2005, applicants filed international application PCT/US05/26130, claiming an earliest priority date of 23 July 2004. The thirty-month for paying the basic national fee in the United States expired at midnight on 25 January 2007.

On 12 January 2007, applicants filed by facsimile a first transmittal letter for entry into the national stage in the United States, which was accompanied by a credit card payment of the basic national fee (small entity). These papers were stamped with serial number 11/658,604.

On 17 January 2007, applicants filed my mail a second transmittal letter for entry into the national stage in the United States, which was accompanied by a credit card payment of the basic national fee (small entity). These papers were assigned application number 11/632,577.

DISCUSSION

MPEP §502.01(I)(B)(1) states that,

> An international application for patent or a copy of the international application and the basic national fee necessary to enter national stage, as specified in 37 CFR 1.495(b), may <u>not</u> be submitted by facsimile.

Here, the first transmittal letter for entry into the national stage in the United States and the credit card payment of the basic national fee (small entity) were filed by facsimile on 12 January 2007. However, the second transmittal letter for entry into the national stage in the United States and the accompanying credit card payment of the basic national fee (small entity) were filed by mail on 17 January 2007. Therefore, the filing of 12 January 2007 was improper, whereas the filing of 17 January 2007 was proper.

The end result for an international application designating the United States of America is a single U.S. national stage application. As such, the papers filed on 12 January 2007 have been placed in application number 11/632,577.

Applicants should use application number **11/632,577** in all future communications with the United States Patent and Trademark Office in regards to the U.S. national stage of international application PCT/US05/26130.

With regard to payment of duplicate fees, the $960.00 fees paid in relation to the papers filed on 12 January 2007 (stamped with serial number 11/658,604), are being refunded to applicants' credit card account.

CONCLUSION

For the reasons set forth above, the serialization of U.S. application number 11/658,604 is **VACATED**.

The application papers filed 12 January 2007 have been placed in application number 11/632,577 and the $960.00 fees have been refunded to applicants' credit card account.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing in accordance with this decision.

Leonard Smith
PCT Legal Examiner
Office of PCT Legal Administration
Telephone: (571) 272-3297
Facsimile: (571) 273-0459

Stefan Staicovici
PCT Legal Examiner
Office of PCT Legal Administration
Telephone: (571) 272-1208

Refund Ref:
06/21/2007 0030042003

Credit Card Refund Total: $960.00

VISA....: XXXXXXXXXXXX0280

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PATTERSON, THUENTE, SKAAR & CHRISTENSEN, P.A.
4800 IDS CENTER
80 SOUTH 8TH STREET
MINNEAPOLIS MN 55402-2100

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DEC 16 2008
OFFICE OF PETITIONS

In re Application of :
Liu, et al. : LETTER REGARDING PTA
Application No. 11/632,595 :
Filed: January 17, 2007 :
Atty. Dkt. No.: : 3984.04US01 :

This letter is in response to the "PATENT TERM ADJUSTMENT LETTER OF CANDOR AND GOOD FAITH," filed July 16, 2008. The Office thanks applicants for their good faith and candor in bringing this to our attention.

The Determination of Patent Term Adjustment mailed May 2, 2008 indicated that the above-identified application was entitled to a patent term adjustment ("PTA") of 46 days. Applicants indicate that the correct adjustment is zero days, and, further, indicate that the calculation in connection with the mailing of the Notice of Allowance is in error.

The correct Patent Term Adjustment ("PTA") at the time of the allowance is zero days, as indicated by applicants.

A review of the record reveals that, as advised by applicants, the application met the requirements of 35 USC 371(c) on March 25, 2007. Accordingly, there is no adjustment under 37 CFR 1.702(a)(1) as the Notice of Allowance was mailed within 14 months of the date that the application met the requirements of 35 USC 371(c).

Accordingly, at the time of allowance, the application is not entitled to any adjustment under 37 CFR 1.702 as of the time of allowance.

As applicants are advising us of a potential error in providing too much patent term adjustment in this application, no fee is due in connection with this matter.

The patent term adjustment indicated in the patent will include any additional patent term accrued pursuant to §§ 1.702(a)(4) and 1.702(b).

This application is being forward to the Office of Data Management for issuance of the patent.

Telephone inquiries specific to this decision should be directed to the Alesia M. Brown at (571) 272-3205.

Kery A. Fries

Kery Fries
Senior Patent Attorney
Office of Patent Legal Administration
Office of Deputy Commissioner
for Patent Examination Policy

Enclosure: Copy of Adjustment PAIR Calculation

Day : Tuesday
Date: 12/16/2008

PALM INTRANET

Time: 08:46:21

PTA Calculations for Application: 11/632595			
Application Filing Date:	01/17/2007	PTO Delay (PTO):	46
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	0
Post-Issue Petitions:	0	Total PTA (days):	0
PTO Delay Adjustment:	-46		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
42	12/16/2008	ADJUSTMENT OF PTA CALCULATION BY PTO		46	
30	05/02/2008	MAIL NOTICE OF ALLOWANCE	46		-1
29	05/02/2008	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
28	04/30/2008	ISSUE REVISION COMPLETED			
27	04/30/2008	ALLOWED CASE RETURNED TO THE EXAMINER FOR CLERICAL PROCESSING			
26	04/30/2008	DOCUMENT VERIFICATION			
25	04/28/2008	NOTICE OF ALLOWABILITY			
21	03/27/2007	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
18	10/05/2007	CASE DOCKETED TO EXAMINER IN GAU			
17	09/05/2007	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
16	01/17/2007	PRELIMINARY AMENDMENT			
15	01/17/2007	REQUEST FOR FOREIGN PRIORITY (PRIORITY PAPERS MAY BE INCLUDED)			
14	03/27/2007	REFERENCE CAPTURE ON IDS			
13	03/27/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
12	08/30/2007	CASE DOCKETED TO EXAMINER IN GAU			
11	08/29/2007	TRANSFER INQUIRY TO GAU			
10	08/23/2007	PG-PUB ISSUE NOTIFICATION			
9	07/12/2007	REQUEST FOR REFUND			
8	05/31/2007	APPLICATION DISPATCHED FROM OIPE			
7	03/27/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
6	03/25/2007	371 COMPLETION DATE			

5	05/17/2007	SENT TO CLASSIFICATION CONTRACTOR			
4	05/17/2007	NOTICE OF DO/EO ACCEPTANCE MAILED			
3	01/30/2007	CLEARED BY OIPE CSR			
2	01/30/2007	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	01/17/2007	INITIAL EXAM TEAM NN			

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EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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PITTSBURGH, PA 15219

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MAY 19 2008

In re Application of	:	
HONEYCHURCH, et al.	:	
Application No. 11/632,617	:	DECISION ON PETITION
Filed: January 16, 2007	:	TO WITHDRAW
Attorney Docket No. **3173-064205**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 3, 2008.

The request is **APPROVED.**

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Kirk M. Miles on behalf of all attorneys of record. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7253.

MaGraves

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **LINDY HONEYCHURCH**
P.O. BOX 191
RIVERSIDE TASMANIS, AUSTRIALIA 7250

cc: **BARBARA E. JOHNSON – ATTORNEY AT LAW**
555 GRANT STREET, SUITE 323
PITTSBURGH, PA 15219

0 9 FEB 2007

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ROYLANCE, ABRAMS, BERDO & GOODMAN, L.L.P.
1300 19TH STREET, N.W.
SUITE 600
WASHINGTON, DC 20036

In re Application of KAMLEITER et al Application No.: 11/632,631 PCT No.: PCT/EP2004/010304 Int. Filing Date: 15 September 2004 Priority Date: 19 September 2003 Attorney's Docket No.: 51659 For: FILTER MEDIUM	DECISION ON PETITION UNDER 37 CFR 1.137(b)

This decision is in response to applicant's "PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION FOR PATENT DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. 1.137(b)," filed on 16 January 2007.

BACKGROUND

On 15 September 2004, this international application was filed, claiming an earliest priority date of 19 September 2003.

The deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.495 was 19 March 2006. This international application became abandoned with respect to the United States at midnight on 19 March 2006 for failure to pay the required basic national fee.

On 16 January 2007, applicant filed the instant petition under 37 CFR 1.137(b) and a Transmittal letter for entry into the national stage in the United States, which was accompanied by the basic national fee and the petition fee. However, no executed declaration was filed at such time.

DISCUSSION

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application; (2) the petition fee as set forth in § 1.17(m); and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

Petitioner has provided: (1) the proper reply by submitting the basic national filing fee, (2) the petition fee set forth in §1.17(m) and (3) the proper statement under 137(b)(3). In this application, no terminal disclaimer is required.

Accordingly, the petition is deemed to satisfy requirements (1), (2), (3), and (4) under 37 CFR 1.137(b).

DECISION

The petition under 37 CFR 1.137(b) is **GRANTED**.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 273-0459

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1 0 JAN 2008

Roylance, Abrams, Berdo & Goodman, LLP
1300 19th Street, NW, Suite 600
Washington, DC 200036

In re Application of	:	DECISION ON
KAMLEITER et al	:	
PCT No.: PCT/EP2004/010304	:	
Application No.: 11/632,631	:	
Int. Filing Date: 15 September 2004	:	PETITION UNDER
Priority Date: 19 September 2003	:	
Attorney's Docket No.: 51659	:	
For: FILTER MEDIUM	:	37 CFR 1.47(a)

This is in response to the "PETITION TO APPLICATION UNDER 37 C.R.F. §1.47(a)" filed on 28 November 2007. The complete $200.00 petition fee has not been paid by check.

BACKGROUND

On 09 February 2007, in a decision form this Office the petition to revive the application was granted.

On 11 July 2007, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905) which informed applicant, inter alia, that an "Oath or Declaration of the inventors, in compliance with 37 CFR 1.497(a), and (b), identifying the application by International application number and international filing date" must be submitted within two months from its mailing date or by 32 months from the priority date, whichever is later, in order to avoid abandonment of the national stage application.

On 28 November 2007, petitioner filed the present petition accompanied, inter alia, an executed Declaration.

DISCUSSION

Petitioner's petition under 37 CFR 1.47(b) is improper because this petition is for the circumstance when all of the inventors refuse to execute an application for patent, or cannot be found or reached after diligent effort. In this situation two of the four inventors signed the declaration. Accordingly, the petition has been treated under 37 CFR 1.47(a).

§ 1.47 Filing when an inventor refuses to sign or cannot be reached.

(a) If a joint inventor refuses to join in an application for patent or cannot be found or reached after diligent effort, the application may be made by the other inventor on behalf of himself or herself and the nonsigning inventor. The oath or declaration in such an application must be accompanied by a petition including proof of the pertinent facts, the fee set forth in § **1.17(h)**, and the last known address of the nonsigning inventor. The nonsigning inventor may subsequently join in the application by filing an oath or declaration complying with § **1.63**.

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(h), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

Furthermore, section 409.03(d) of the Manual of Patent Examining Procedure (M.P.E.P.) **Proof of Unavailability or Refusal**, the relevant sections states, in part:

REFUSAL TO JOIN:

A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney. The fact that an application may contain proprietary information does not relieve the **37 CFR 1.47** applicant of the responsibility to present the application papers to the inventor if the inventor is willing to receive the papers in order to sign the oath or declaration. It is noted that the inventor may obtain a complete copy of the application, unless the inventor has assigned his or her interest in the application, and the assignee has requested that the inventor not be permitted access. See **MPEP § 106**. It is reasonable to require that the inventor be presented with the application papers before a petition under **37 CFR 1.47** is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. *In re Gray*, 115 USPQ 80 (Comm'r Pat. 1956).
Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.
Proof that a *bona fide* attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or

> declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.
>
> When it is concluded by the **37 CFR 1.47** applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

Petitioner has satisfied item (3) but not items (1), (2) and (4) of 37 CFR 1.47(a).

Regarding requirement (1), petitioner has not provided the proper fee of $200.00 under 37 CFR 1.17(g).

Regarding requirement (2), in this case, Mr. Martin Bartels has not sufficiently demonstrated that a copy of the application papers were presented to the non-signing joint inventor, Michael Kamleiter. It is unclear what documents were forwarded to Mr. Kamleiter because there is no specific statement referring to a copy of the application papers (specification, including claims, drawings, and oath or declaration) as required under MPEP. 409.03(d) being sent to him for review and his signature from petitioner. Instead, the declaration indicates that he request Dipl-Ing Christian Dahlberg to transmit the papers but it is unclear what was sent to Mr. Kamleiter from Dipl-Ing Christian Dahlberg.

Although documentary evidence to support this assertion has been provided the documents are in German and no English translation have been provided. Consequently, it is unclear what is said in the documents. In addition, petitioner has not provided a copy of the cover letter that was sent with the papers, or postal receipts in English showing that the papers were received.

Moreover, it is unclear if Mr. Bartels has first hand knowledge of the mailings to the nonsigning inventor because it appears it was Mr. Dahlberg that sent the papers, if he doesn't then petitioner needs to submit statements, with specific facts on the actions referred to the mailing of the documents to the nonsigning inventor by persons who have first-hand knowledge of such facts.

The current record does not sufficiently establish Mr. Kamleiter refusal to join in the patent application because no English evidentiary documents have been submitted to show that a

bona fide attempt was made to deliver the complete application to him and that he refused to sign the required papers.

Regarding requirement (4) because the inventor Wilhelm-N Gudernatsch suffered a mental illnes, the legal representative, Edith Gudernatsch, for the incapacited inventor must follow the requirements set forth under 37 C.F.R. §1.497(b)(2) which indicates that "[i]f the person making the oath or the declaration or any supplemental or oath or declaration is not the inventor (§§1.42, 1.43, or 1.47), the oath or declaration shall state the relationship of the person to the inventor, and, upon information and belief, the facts which the inventor would have been required to state (the inventors citizenship and so on). If the person signing the oath or declaration is the legal representative of a deceased inventor, the oath or declaration shall also state that the person is a legal representative and the citizenship, residence and mailing address of the legal representative." (see MPEP § 409.01)

In this instance, the name and citizenship, and the relationship of the legal representative have not been provided as required under 37 C.F.R. §1.497(b)(2) in the declaration.

In addition, 37 CFR 1.497(a) and (b) requires that the declaration must be complete and identify each inventor and in this case it appears that Mr. Kamleiter has not been listed.

Consequently, the petition does not satisfy all the requirements under 37 CFR 1.47(a).

CONCLUSION

The petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration of the merits of the petition under 37 CFR 1.47(a) is desired, applicant must file a request for reconsideration within **TWO (2) MONTHS** from the mail date of this Decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." Extensions of time are available under 37 CFR 1.136(a). Failure to timely file the proper response will result in ABANDONMENT.

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Rafael Bacares
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1 1 FEB 2008

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Washington, DC 200036

In re Application of	:	DECISION ON
KAMLEITER et al	:	
PCT No.: PCT/EP2004/010304	:	
Application No.: 11/632,631	:	
Int. Filing Date: 15 September 2004	:	PETITION UNDER
Priority Date: 19 September 2003	:	
Attorney's Docket No.: 51659	:	
For: FILTER MEDIUM	:	37 CFR 1.47(a)

This is in response to the "RENEWED PETITION OF APPLICATION UNDER 37 CFR 1.47(a) AND/OR 1.43" filed on 15 January 2008.

BACKGROUND

In a decision from this Office on 10 January 2008, the petition filed on 28 November 2007 was dismissed. The decision indicated that petitioner failed to meet items (1), (2) and (4) under 37 CFR 1.47(a).

On 15 January 2008, petitioner submitted a renewed petition accompanied, inter alia, with a supplemental declaration from Martin Bartels.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

Petitioner has still not satisfied item (2) of 37 CFR 1.47(a).

Regarding requirement (2), in this case, Mr. Martin Bartels has still not sufficiently demonstrated that a copy of the application papers was presented to the non-signing joint inventor, Michael Kamleiter as stated in the previous declaration. It is still unclear what documents were forwarded to Mr. Kamleiter by the petitioner because there is no specific statement referring to a copy of the application papers (specification, including claims, drawings, and oath or declaration) as required under MPEP. 409.03(d) being sent to him for review and his signature. What copy of the application and Power form was sent to Mr. Kamleiter?

As previous stated, even though documentary evidence has been provided the documents are in German and no English translation have been provided on some of the papers submitted to support petitioner's assertion. In the current petition, no translation has been provided for the letter dated 14 December 2007, and the postage receipt. Consequently, it is unclear what is said in the documents.

Moreover, it is still unclear if Mr. Bartels has first hand knowledge of the mailings to the nonsigning inventor because his current declaration refers to the pronoun "he" (who is he?) rather than "I" as the person who sent the papers, if he doesn't then petitioner needs to submit statements, with specific facts on the actions referred to the mailing of the documents to the nonsigning inventor by persons who have first-hand knowledge of such facts. Was Mr. Bartel present when "he" sent a copy of the application and Power of Attorney?

In addition, Mr. Bartels' petition also states that he believes co-inventor Kamleiter cannot be located. From the petition, it is unclear if Mr. Kamleiter still resides in the last known address where the papers were mailed because no evidence has been submitted showing that he received the papers.

Where the Office is being asked to accept the silence of the nonsigning inventor's as evidence of a refusal to sign, petitioner must provide some evidence that the application materials have been received by the nonsigning applicant. Absent further firsthand evidence that the application and request for signature were received by the nonsigning inventor, item (2) cannot be considered satisfied.

If Mr. Kamleiter does not reside there, then petitioner is under an obligation to try to find or reach Mr. Kamleiter. Where there is an inability to find or reach a joint inventor "after diligent effort," petitioner may file a statement of facts that fully describes the exact facts which are relied on to establish that a diligent effort was made under **37 CFR 1.47**.

Consequently, the petition does not satisfy all the requirements under 37 CFR 1.47(a).

CONCLUSION

The petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration of the merits of the petition under 37 CFR 1.47(a) is desired, applicant must file a request for reconsideration within **TWO (2) MONTHS** from the mail date of this Decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)."

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Rafael Bacares
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2 8 APR 2008

Roylance, Abrams, Berdo & Goodman, LLP
1300 19th Street, NW, Suite 600
Washington, DC 200036

In re Application of	:	DECISION ON
KAMLEITER et al	:	
PCT No.: PCT/EP2004/010304	:	
Application No.: 11/632,631	:	
Int. Filing Date: 15 September 2004	:	PETITION UNDER
Priority Date: 19 September 2003	:	
Attorney's Docket No.: 51659	:	
For: FILTER MEDIUM	:	37 CFR 1.47(a)

This is in response to the "SECOND RENEWED PETITION OF APPLICATION UNDER 37 C.R.F. §1.47(a)/OR 1.43" filed on 03 April 2008.

BACKGROUND

On 11 February 2008, in a decision from this Office the petition filed on 15 January 2008 was dismissed.

On 03 April 2008, petitioner filed the present second renewed petition accompanied, inter alia, a supplemental declaration by Martin Bartels.

DISCUSSION

Petitioner's petition under 37 CFR 1.47(b) is improper because this petition is for the circumstance when all of the inventors refuse to execute an application for patent, or cannot be found or reached after diligent effort. In this situation two of the four inventors signed the declaration. Accordingly, the petition has been treated under 37 CFR 1.47(a).

§ 1.47 Filing when an inventor refuses to sign or cannot be reached.

> (a) If a joint inventor refuses to join in an application for patent or cannot be found or reached after diligent effort, the application may be made by the other inventor on behalf of himself or herself and the nonsigning inventor. The oath or declaration in such an application must be accompanied by a petition including proof of the pertinent facts, the fee set forth in § **1.17(h)**, and the last known address of the nonsigning inventor. The nonsigning inventor may subsequently join in the application by filing an oath or declaration complying with § **1.63**.

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(h), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

Furthermore, section 409.03(d) of the Manual of Patent Examining Procedure (M.P.E.P.) **Proof of Unavailability or Refusal**, the relevant sections states, in part:

> **REFUSAL TO JOIN:**
>
> A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney. The fact that an application may contain proprietary information does not relieve the **37 CFR 1.47** applicant of the responsibility to present the application papers to the inventor if the inventor is willing to receive the papers in order to sign the oath or declaration. It is noted that the inventor may obtain a complete copy of the application, unless the inventor has assigned his or her interest in the application, and the assignee has requested that the inventor not be permitted access. See **MPEP § 106**. It is reasonable to require that the inventor be presented with the application papers before a petition under **37 CFR 1.47** is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. *In re Gray*, 115 USPQ 80 (Comm'r Pat. 1956).
>
> Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.
>
> Proof that a *bona fide* attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part

of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.

When it is concluded by the **37 CFR 1.47** applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

Petitioner has satisfied items (1), (2), and (4) but not item (3) of 37 CFR 1.47(a).

Regarding item (2), in this case, Mr. Martin Bartels has sufficiently demonstrated that a copy of the application papers were presented to the non-signing joint inventor, Michael Kamleiter and that he has refused to sign the required papers.

Regarding item (3), applicants have not specifically provided a statement of the last known address of Mr. Kamleiter. Since on the petition filed on 28 November 2007 Mr. Bartels lists a different last know address than the current one filed of Talstr. 73, 70188 Stuttgart, Germany in the current petition. Therefore, petitioner will have to update and specified with a statement the last known address of the non-signing inventor.

Consequently, the petition does not satisfy all the requirements under 37 CFR 1.47(a).

CONCLUSION

The petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration of the merits of the petition under 37 CFR 1.47(a) is desired, applicant must file a request for reconsideration within **TWO (2) MONTHS** from the mail date of this Decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." Extensions of time are available under 37 CFR 1.136(a). Failure to timely file the proper response will result in ABANDONMENT.

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

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Roylance, Abrams, Berdo & Goodman, LLP
1300 19th Street, NW, Suite 600
Washington, DC 200036

In re Application of	: DECISION ON RENEWED
KAMLEITER et al	:
Application No.: 11/632,631	:
PCT No.: PCT/EP2004/010304	:
Int. Filing Date: 15 September 2004	: PETITION UNDER
Priority Date: 19 September 2003	:
Attorney's Docket No.: 51659	:
For: FILTER MEDIUM	: 37 CFR 1.47(a)

This is in response to the "THIRD RENEWED PETITION OF APPLICATION UNDER 37 C.F.R. §1.47(a) AND/OR 1.43" filed on 07 May 2008.

BACKGROUND

In a decision from this Office on 28 April 2008, the petition filed on 03 April 2008 under 37 CFR 1.47(a) was dismissed. The decision stated that item (3) had not been satisfied.

On 07 May 2008, petitioner submitted a, Third Renewed Petition Under 37 CFR 1.47(a), which includes a third supplemental statement by Martin Bartels affirmatively stating Mr. Kamleiter's last known address .

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17(h), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by the 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

The renewed petition of 07 May 2007 has satisfied item (3) under 37 CFR 1.47(a) because the last known address Mr. Kamleiter has been specifically provided.

Michael KAMLEITER
Talstr. 73
70188 Stuttgart, Germany

Petitioner has now satisfied items (1), (2), (3), and (4) under 37 CFR 1.47(a), thus completing the requirements under 37 CFR 1.47(a).

CONCLUSION

The petition under 37 CFR 1.47(a) is **GRANTED**.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for continued processing under 35 U.S.C. 371.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing to accept the application as a 37 CFR 1.47(a) application and to mail a filing receipt. The 35 USC 371(c)(1), (c)(2), and (c)(4) date of this application is **28 November 2007**.

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Michael KAMLEITER
Talstr. 73
70188 Stuttgart, Germany

In re Application of
KAMLEITER et al
PCT No.: PCT/EP2004/010304
Application No.: 11/632,631
Int. Filing Date: 15 September 2004
Priority Date: 19 September 2003
Attorney's Docket No.: 51659
For: FILTER MEDIUM

Dear Mr. Michael:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

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AUG 29 2008

In re Application of :
Koichi Yoshikawa :
Application No. 11/632,632 : ON PETITION
Filed: January 16, 2007 :
Attorney Docket No. SON-3380

This is a decision on the petition, filed August 26, 2008 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on July 23, 2008 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 2873 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

Irvin Dingle
Petitions Examiner
Office of Petitions

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[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

2 9 MAY 2007

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Ellen Ciambrone Coletti
JOHNSON & JOHNSON
One Johnson & Johnson Plaza
New Brunswick, NJ 08933-7003

In re Application of	:	DECISION ON
JAROSKOVA, Libuse	:	
Application No. 11/632,675	:	
PCT No.: PCT/EP2005/051968	:	
Int. Filing Date: 29 April 2005	:	PETITION UNDER
Priority Date: 7 May 2004	:	
Attorney's Docket No.: PRD2215USPCT	:	
For: PYRROLIDIN-2-ONE AND PIPERIDIN-2-ONE	:	
DERIVATIVES AS 11-BETA HYDROXYSTEROID	:	37 CFR §1.137(b)
DEHYDROGENASE INHIBITORS	:	

This petition decision is in response to Applicant's "Petition For Revival Of An International Application For Patent Designating The U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)," filed on 17 January 2007. The fee for the Petition in the amount of $1500 has been submitted.

BACKGROUND

On 29 April 2005, the above-named international application was filed with claimed foreign priority to 7 May 2004. Under 35 USC §371(b) and under 37 CFR §1.495(b), Applicant must submit the items identified in 35 USC §371(b) no later than 30 months from the date of foreign priority upon entrance into the national stage of examination. In the instant application, the thirty-month date would be 7 November 2006.

On 17 January 2007, a "Transmittal Letter To The United States Designated/Elected Office (DO/EO/US) Concerning A Submission Under 35 USC 371" was received in the United States Patent and Trademark Office (USPTO) that included an "express request to begin national examination procedures" under 35 USC §371(f) and that had the parts required under 35 USC §371(b) in order to enter the national phase, including the required fees. The 17 January 2007 Letter was accompanied by a "Petition For Revival Of An International Application For Patent Designating The U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)" with the petition fee of $1500 as provided for in 37 CFR §1.17(m).

Since the basic national fee was received after the thirty-month period for entry into the national phase of examination had expired, the instant application went abandoned at the end of 7 November 2006.

DISCUSSION

Under 37 CFR §1.137(b), a grantable petition for revival of an unintentionally abandoned application must be accompanied by: (1) the reply required to the outstanding Office action or notice, unless previously filed; (2) the petition fee as set forth in 37 CFR §1.17(m); (3) a statement under 37 CFR §1.137(b)(3) that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR §1.137(b) was unintentional; and (4) any terminal disclaimer that may be required under 37 CFR §1.137(d).

The Petitioner has submitted the basic national filing fee of $300, has submitted petition fee of $1500, and has stated that the delay was unintentional. No terminal disclaimer is required.

DECISION

For the reasons set forth above, the petition under 37 CFR §1.137(b) is hereby **GRANTED**.

This application is being forwarded to the United States Designated Office/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

Bernarr E. Gregory
PCT Legal Administration

Richard R. Cole
Legal Examiner
PCT Legal Administration

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31 JAN 2007

COOK GROUP PATENT OFFICE
P.O. BOX 2269
BLOOMINGTON IN 47402

In re Application of HARTLEY et al. Application No.: 11/632,683 PCT No.: PCT/US05/21265 Int. Filing: 15 June 2005 Priority Date: 15 June 2004 Attorney Docket No.: PA-5550 PCT/US For: STENT GRAFT WITH INTERNAL TUBE	DECISION ON PETITION TO REVIVE UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 17 January 2007 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that the"entire delay in filing the required reply from the due date for the required reply until the filing of this petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that the basic national fee of $300 has now been provided. The required petition fee of $1500 was also paid. Thus, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the United States Designated/Elected Office for further processing, including issuance of a Notification of Missing Requirements indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b) and the surcharge for filing the oath or declaration after the thirty month period, is required.

Cynthia M. Kratz

Cynthia M. Kratz
Attorney Advisor
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13 JAN 2009

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Martin D Moynihan
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In re Application of	:	
DOMB, et al.	:	
Application No.: 11/632,697	:	
PCT No.: PCT/IL05/00769	:	DECISION ON REQUEST
Int. Filing Date: 19 July 2005	:	
Priority Date: 19 July 2004	:	
Attorney Docket No.: 33060	:	
For: MODIFIED CONDUCTIVE SURFACES HAVING	:	
ACTIVE SUBSTANCES ATTACHED THERETO	:	

This decision is issued in response to applicants' "RESPONSE TO MISSING REQUIREMENTS" filed 27 October 2008 notifying the Office that the name of the fourth inventor is Miriam ORON as indicated on the declaration rather than Miriam OROM as indicated on the published international application. Applicants' request has been treated under 37 CFR 1.181. No petition fee is due.

Petitioner states that, "[T]he correct spelling of the fourth inventor's name is Miriam ORON as appearing in the instant application. Due to a clerical error, the family name was spelled OROM during the filing of the International Application." As indicated in Section 201.03 of the Manual of Patent Examining Procedure, where a typographical or transliteration error in the spelling of an inventor's name is discovered, a petition under 37 CFR 1.48(a) is not required. Accordingly, petitioner's explanation of the difference in the spelling of the first inventor's name is accepted and noted for the record.

For the reasons above, the request is **GRANTED**.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

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15 FEB 2007

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Kevin Fortin
NXP B.V. Intellectual Property Dept.
1109 McKay Drive MS41-SJ
San Jose, California 95131

In re Application of	:	DECISION ON
HUBMER, Paul	:	
Application No. 11/632,733	:	
PCT No.: PCT/IB2005/052326	:	
Int. Filing Date: 13 July 2005	:	PETITION UNDER
Priority Date: 16 July 2004	:	
Attorney's Docket No.: AT040043US1	:	
For: ANTENNA FOR COMMUNICATION	:	
WITH A MULTITUDE OF TRANSPONDERS	:	37 CFR §1.137(b)

This petition decision is in response to Applicant's "Petition For Revival Of An International Application For Patent Designating The U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)," filed on 17 January 2007. The fee for the Petition in the amount of $1500 has been submitted.

BACKGROUND

On 13 July 2005, the above-named international application was filed which claimed foreign priority to an application filed 16 July 2004. Under 35 USC §1.371(b) and under 37 CFR §1.495(b), applicant must submit the items identified in 35 USC §1.371(b) no later than 30 months from the date of foreign priority upon entrance into the national stage of examination. In the instant application, the thirty-month date would be 16 January 2007.

On 17 January 2007, a "Transmittal Letter To The United States Designated/Elected Office (DO/EO/US) Concerning A Submission Under 35 USC 371," dated 16 January 2007, was received in the United States Patent and Trademark Office (USPTO) that had the parts required under 35 USC §371(b) in order to enter the national phase, including the required fees. The 16 January 2007 Letter was accompanied by a "Petition For Revival Of An International Application For Patent Designating The U.S.

Abandoned Unintentionally Under 37 CFR 1.137(b)" with the petition fee of $1500 as provided for in 37 CFR §1.17(m).

Since the basic national fee was not received until 17 January 2007, for entry into the national phase of examination, the instant application went abandoned.

DISCUSSION

Under 37 CFR §1.137(b), a grantable petition for revival of an unintentionally abandoned application must be accompanied by: (1) the reply required to the outstanding Office action or notice, unless previously filed; (2) the petition fee as set forth in 37 CFR §1.17(m); (3) a statement under 37 CFR §1.137(b)(3) that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR §1.137(b) was unintentional; and (4) any terminal disclaimer that may be required under 37 CFR §1.137(d).

The Petitioner has submitted the basic national filing fee (small entity) of $150, has submitted petition fee (small entity) of $1500, and has stated that the delay was unintentional. No terminal disclaimer is required.

DECISION

For the reasons set forth above, the petition under 37 CFR §1.137(b) is hereby **GRANTED**.

This application is being forwarded to the United States Designated Office/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

Bernarr E. Gregory
PCT Legal Administration
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Leonard E. Smith
Supervisory PCT Legal Examiner
PCT Legal Administration

07 FEB 2007

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SAN JOSE, CA 95131

In re Application of SURDEANU et al	:	
U.S. Application No.: 11/632,738	:	
PCT Application No.: PCT/IB2005/052313	:	DECISION
Int. Filing Date: 12 July 2005	:	
Priority Date Claimed: 16 July 2004	:	
Attorney Docket No.: GB040150US1	:	
For: NANOSCALE FET	:	

This is in response to applicant's "Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 17 January 2007.

BACKGROUND

On 12 July 2005, applicant filed international application PCT/IB2005/052313, which claimed priority of an earlier United Kingdom application filed 16 July 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 26 January 2006. The thirty-month period for paying the basic national fee in the United States expired on 16 January 2007.

International application PCT/IB2005/052313 became abandoned as to the United States for failure to timely pay the basic national fee.

On 17 January 2007, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire

delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required reply under 35 U.S.C. 371.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), applicant has provided the required statement.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 12 July 2005, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 17 January 2007.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

BryanLin

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MIDDLETON & REUTLINGER
2500 BROWN & WILLIAMSON TOWER
LOUISVILLE, KY 40202

Mail Date: 04/21/2010

Applicant	: Edwin Cheng Siew Lim	: DECISION ON REQUEST FOR
Patent Number	: 7578113	: RECALCULATION of PATENT
Issue Date	: 08/25/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/632,750	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/16/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **159** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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15 AUG 2007

Millen White Zelano & Branigan
2200 Clarendon Boulevard
Suite 1400
Arlington VA 22201

In re Application of	:	
ERICSON, Daniel G.	:	
Application No.: 11/632,780	:	DECISION
PCT No.: PCT/US2005/016882	:	
Int. Filing Date: 14 May 2005	:	ON PETITION UNDER
Priority Date: 14 May 2004	:	
Docket No.: MEDINN-0001-A	:	37 CFR 1.137(b)
For: METHOD AND DEVICE FOR	:	
MONITORING ASPIRIN RESPONSE	:	

Applicant's Petition to Revive Under 37 CFR §1.137(b), filed in the above-captioned application on 18 January 2007 is **GRANTED**.

Applicant indicates that the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional, as required by 37 CFR 1.137(b)(3). The appropriate national fee and petition fee have been submitted. A terminal disclaimer is not required as the application was filed on or after 08 June 1995. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

A signed oath or declaration has not yet been submitted. The fee for late filing of the search fee, examination fee or oath or declaration will be charged to deposit account no. 13-3402, as authorized.

This application is being referred to the National Stage Processing Branch of the Office of PCT Operations for continued processing in accordance with this decision, including the mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) is required.

Erin P. Thomson

Erin P. Thomson
Attorney Advisor
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Dority & Maning, P.A.
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In re Application of	DECISION ON
Loye et al.	
Application No.: 11/632,791	
PCT No.: PCT/US05/026200	PETITION UNDER
Int. Filing Date: 22 July 2005	
Priority Date: 23 July 2004	
Attorney's Docket No.: USC-15-PCT-US	37 CFR 1.47(a)
For: Polymer Composite Materials and Methods for Producing the Same	

This decision is in response to applicants' "PETITION UNDER 37 CFR 1.47" filed on 21 November 2008 that seeks the acceptance of the application without the signature of the inventor Baolong Zhang. Petitioner has submitted the requisite $200 petition fee.

BACKGROUND

On 22 July 2005, applicants filed international application PCT/US05/026200, which claimed priority of an earlier application filed 23 July 2004.

On 18 January 2007, applicants filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, inter alia, the requisite basic national fee as required by 35 U.S.C. 371(c)(1). However, no executed declaration or oath was submitted at such time.

On 28 May 2008, the United States Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 indicating, *inter alia*, that "the oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date." The notification set two (2) months from the date of this notice or 32 months from the priority date for the application, whichever is later. Failure to properly respond will result in abandonment."

In an attempt to satisfy the requirements of 35 U.S.C. 371(c)(4), applicants filed on 21 November 2008, inter alia, a petition under 37 CFR 1.47(a), a declaration for U.S. Patent Application executed by Hans-Conrad Zur Loye, Tara Hansen, and John Stone their behalf and on behalf on the nonsigning inventor Baolong Zhang, and an affidavit by Alan R Marshall.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(g), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

Furthermore, section 409.03(d) of the Manual of Patent Examining Procedure (M.P.E.P.) **Proof of Unavailability or Refusal**, the relevant sections states, in part:

INVENTOR CANNOT BE REACHED:

> Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under **37 CFR 1.47**, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made.
>
> The fact that a nonsigning inventor is on vacation or out of town and is therefore temporarily unavailable to sign the declaration is not an acceptable reason for filing under **37 CFR 1.47**.
>
> Furthermore, the fact that an inventor is hospitalized and/or is not conscious is not an acceptable reason for filing under **37 CFR 1.47**. **37 CFR 1.43** may be available under these circumstances. See **MPEP § 409.02**. Such a petition under **37 CFR 1.47** will be dismissed as inappropriate.
>
> The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included statement of facts. It is important that the statement contain facts as opposed to conclusions.

Petitioner has satisfied requirements (1), and (3) –(4) of 37 CFR 1.47(a). However, requirement (2) has not been satisfied.

Regarding item (1), petitioner has been charged the petition fee $200 under 37 CFR 1.17(g).

Regarding item (2), although, the averments of Alan Marshall are sufficient to support a finding that the nonsigning inventor, Baolong Zhang could not be found after diligent effort, he has not provided the evidentiary documents of the searches conducted. The affidavit of Mr. Marshall states that he performed a name search at the Los Alamos National Laboratory directory (http;//phonebook.lanl.gov/) and also on google and yahoo. These searches provided Mr. Marshall with only one match a telephone listed in Los Alamos, which he called but no such person was located there. Mr. Marshall also mailed the application papers to Zhong's last known address at Los Alamos but no response was received. However, Mr. Marshall has not provided the results of the searches in his petition to be part of the record, and showing that the search resulted only one match.

Accordingly, at this time it can not be concluded that the nonsigning Mr. Zhang could not be reached after diligent effort as stipulated under 37 CFR 1.47(a).

Regarding item (3), petitioner has provided a statement of the last known address of the missing inventor.

Baolong Zhong
LANL MS J514/TA 48
Los Alamos, New Mexico 87545

Regarding item (4), petitioner has provided a properly executed declaration.

CONCLUSION

The petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

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In re Application of	DECISION ON
Loye et al.	
Application No.: 11/632,791	
PCT No.: PCT/US05/026200	PETITION UNDER
Int. Filing Date: 22 July 2005	
Priority Date: 23 July 2004	
Attorney's Docket No.: USC-15-PCT-US	37 CFR 1.47(a)
For: Polymer Composite Materials and Methods for Producing the Same	

This decision is in response to applicants' "REQUEST TO WITHDRAW PETITION UNDER 37 CFR 1.47(a)... TO EXAMINATION" submitted on 01 September 2009.

BACKGROUND

The decision by this Office dated 01 July 2009 indicated that requirement (2) had not been satisfied.

On 01 September 2009, petitioner filed this renewed petition accompanied, inter alia, an executed declaration by co-inventor Baolong Zhang.

DISCUSSION

The renewed petition has included an executed declaration signed by co-inventor Baolong Zhang. Petitioner states that during the intervening time petitioner was able to locate the previously non-signing inventor at his new address. The declaration is now signed by all the inventors.

Accordingly, the declaration submitted on 01 September 2009 complies with 37 CFR 1.497(a) and (b).

CONCLUSION

The petition under 37 CFR 1.47(a) is **MOOT**.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing consistent with this decision. The 35 USC 371(c)(1), (c)(2), and (c)(4) date of this application is **01 September 2009.**

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In re Application of ARBIT et al	:	
U.S. Application No.: 11/632,808	:	
PCT Application No.: PCT/US2005/027499	:	DECISION
Int. Filing Date: 03 August 2005	:	
Priority Date Claimed: 03 August 2004	:	
Attorney Docket No.: 817.1024US	:	
For: ANTIDIABETIC ORAL INSULIN-BIGUANIDE COMBINATION	:	

This is in response to applicant's petition under 37 CFR 1.47(a) filed 25 March 2009.

BACKGROUND

On 03 August 2005, applicant filed international application PCT/US2005/027499, which claimed priority of an earlier United States application filed 03 August 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 16 February 2006. The thirty-month period for paying the basic national fee in the United States expired on 03 February 2007.

On 17 January 2007, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 25 August 2008, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 25 March 2009, applicant filed the present petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) an oath or declaration by each applicant on his or her own behalf and on behalf of the nonsigning joint inventors, (2)

factual proof that the missing joint inventors refuse to join in the application or cannot be reached after diligent effort, (3) the fee set forth in §1.17(i), and (4) the last known addresses of the nonsigning joint inventors.

With regard to item (1) above, applicant has submitted a declaration signed by the available inventors each on his own behalf and on behalf of the nonsigning inventor.

With regard to item (2) above, MPEP 409.03(d) states in relevant part,

> Where a refusal to sign the application papers is alleged, the circumstances of this refusal must be specified in an affidavit or declaration by the person to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.
>
> Before a refusal can be alleged, it must be demonstrated that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney.
>
> When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the affidavit or declaration. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the affidavit or declaration.
>
> When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the affidavit or declaration. If there is documentary evidence to support facts alleged in the affidavit or declaration, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the affidavit or declaration.

The petition states that joint inventor Michael Goldberg refuses to sign the application papers. However, the petition does not adequately demonstrate that a copy of the application papers was presented to Mr. Goldberg for signature. The letters dated 17 January 2007 and 23 July 2007 stated that copies of the application papers were attached, but the evidence does not show that Mr. Goldberg received the mailings. The letters dated 07 December 2007, 10 July 2008, 11 July 2008, 02 October 2008, and 22 December 2008 do not indicate that a copy of the application was enclosed. Similarly, the electronic mail messages do not indicate that a copy of the application was enclosed. If a copy of the application papers was in fact included in one of the mailings, an affidavit from the person with firsthand knowledge of the mailing should be provided along with proof that Mr. Goldberg actually received the correspondence. Until it is demonstrated that Mr. Goldberg received a copy of the application papers with the mailings, any lack of response to such mailings will not be deemed a refusal to cooperate. Furthermore, neither Mr. Goldberg's purported refusal to sign during a 28 February 2007 telephone conversation nor his failure to respond to a voicemail message left in October 2008 will be construed as a refusal to sign until it is shown that Mr. Goldberg received a copy of the application papers prior to his refusal or lack of response.

With regard to item (3) above, applicant has provided the requisite petition fee.

With regard to item (4) above, the petition states the last known address of the nonsigning inventor.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.47(a) is DISMISSED without prejudice.

If reconsideration on the merits of the petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Failure to timely file a proper response will result in ABANDONMENT of the application. Extensions of time are available under 37 CFR 1.136(a). Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)". No additional petition fee is required.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Bryan Lin

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2 3 OCT 2009

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NEW YORK, NY 10036

In re Application of ARBIT et al	:	
U.S. Application No.: 11/632,808	:	
PCT Application No.: PCT/US2005/027499	:	DECISION
Int. Filing Date: 03 August 2005	:	
Priority Date Claimed: 03 August 2004	:	
Attorney Docket No.: 817.1024US	:	
For: ANTIDIABETIC ORAL INSULIN-BIGUANIDE COMBINATION	:	

This is in response to applicant's renewed petition under 37 CFR 1.47(a) filed 21 August 2009.

BACKGROUND

On 03 August 2005, applicant filed international application PCT/US2005/027499, which claimed priority of an earlier United States application filed 03 August 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 16 February 2006. The thirty-month period for paying the basic national fee in the United States expired on 03 February 2007.

On 17 January 2007, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 25 August 2008, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 25 March 2009, applicant filed a petition under 37 CFR 1.47(a).

On 21 April 2009, this Office mailed a decision dismissing the 25 March 2009 petition.

On 20 August 2009, the DO/EO/US mailed a Notification of Abandonment (Form PCT/DO/EO/909).

On 21 August 2009, applicant filed the present renewed petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) an oath or declaration by each applicant on his or her own behalf and on behalf of the nonsigning joint inventors, (2) factual proof that the missing joint inventors refuse to join in the application or cannot be reached after diligent effort, (3) the fee set forth in §1.17(i), and (4) the last known addresses of the nonsigning joint inventors.

Applicant has previously satisfied items (1), (3), and (4) above.

With regard to item (2) above, MPEP 409.03(d) states in relevant part,

> A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney. . . . It is reasonable to require that the inventor be presented with the application papers before a petition under 37 CFR 1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. In re Gray, 115 USPQ 80 (Comm'r Pat. 1956).
>
> Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.
>
> Proof that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.
>
> When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

The petition states that joint inventor Michael Goldberg refuses to sign the application papers. The petition adequately demonstrates that a copy of the application papers was presented to Mr. Goldberg for signature (see 21 August 2009 affidavit of Jacqueline Bardini, ¶9). Furthermore, the petition sufficiently illustrates that Mr. Goldberg refuses to sign. In particular,

Mr. Goldberg made an express oral refusal to sign during a telephone conversation with Ms. Bardini on 28 February 2007 (see Bardini affidavit, ¶9). Thus, it can be concluded with reasonable certainty that Mr. Goldberg refuses to join in the application.

The petition additionally requests a refund of a two-month extension of time fee on grounds that the 21 April 2009 decision was mailed to the wrong address. The petition states that the original petition was accompanied by a declaration that provided a power of attorney to Customer Number 49443. However, MPEP 601.03 states in relevant part,

> Where a correspondence address has been established on filing of the application or changed pursuant to 37 CFR 1.33(a)(1) (prior to the filing of an executed oath or declaration under 37 CFR 1.63 by any of the inventors), that correspondence address remains in effect upon filing of an executed oath or declaration under 37 CFR 1.63 and can only be subsequently changed pursuant to 37 CFR 1.33(a)(2). (Emphasis added.)

In the present case, the correspondence address was established on filing of the application. See Form PTO-1390 and the application data sheet filed 17 January 2007. Accordingly, applicant's later submission of an executed declaration did not serve to change the correspondence address. Therefore, the 21 April 2009 decision was properly mailed to the address of record, and a refund of any extension of time fee is not indicated in the present situation.

CONCLUSION

For the reasons above, the renewed petition under 37 CFR 1.47(a) is GRANTED.

The Notification of Abandonment (Form PCT/DO/EO/909) mailed 20 August 2009 was sent in error and is hereby VACATED.

The application has an International Filing Date under 35 U.S.C. 363 of 03 August 2005, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 25 March 2009.

As set forth in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the nonsigning inventor at the last known address of record and will be published in the *Official Gazette*.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

Bryan Lin

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PCT Legal Office

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2 3 OCT 2009

Michael Goldberg
207 Booth Avenue
Englewood, NJ 07631

In re Application of ARBIT et al
U.S. Application No.: 11/632,808
PCT Application No.: PCT/US2005/027499
Int. Filing Date: 03 August 2005
Priority Date Claimed: 03 August 2004
For: ANTIDIABETIC ORAL INSULIN-BIGUANIDE COMBINATION

Dear Michael Goldberg:

You are named as a joint inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost set forth in 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you choose to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

BryanLin

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In re Application of:	:	
IVANOVA, Natalia Viktorovana		
Application No.: 11/632,810	:	DECISION
PCT Application No.: PCT/RU04/00273	:	
Int. Filing Date: 13 July 2004	:	UNDER
Priority Date: 15 July 2003	:	
Atty Docket No.: IVANOVA/COLLIER	:	
For: IMAGE PRODUCING METHODS AND	:	37 CFR 1.137(b)
IMAGE PRODUCING DEVICES	:	

This decision is in response to applicants' "PETITION FOR REVIVAL OF AN UNINTENTIONALLY ABANDONED APPLICATION" filed 17 January 2007, which has been treated as a petition under 37 C.F.R. 1.137(b).

BACKGROUND

On 13 July 2004, applicant filed international application PCT/RU2004/000273, which designated the U.S. and claimed priority date of 15 July 2003. The thirty-month period for paying the basic national fee in the United States expired at midnight on 17 January 2006 (15 January 2006 being a Sunday and 16 January 2006 being a holiday). Accordingly, PCT/RU2004/000273 became abandoned as to the United States of America at midnight of 17 January 2006 for failure to timely pay the Basic National Fee.

On 17 January 2007, applicant filed a submission for entry into the national stage in the United States, which was accompanied by, *inter alia*, the U.S. Basic National Fee, a copy of the International Application, an English translation and a petition under 37 CFR 1.137(b).

DISCUSSION

A petition under 37 CFR 1.137(b) requesting that the application be revived on the grounds of unintentional abandonment must be accompanied by (1) the required reply, (2) the petition fee required by law, (3) a statement that the, "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional" and (4) any terminal disclaimer and fee pursuant to 37 CFR 1.137(c) (where required).

Regarding item (1), applicant has provided the required reply.

Regarding item (2), applicant has provided the required petition fee.

Regarding item (3), applicant has provided the required statement.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

It is noted that text contained in the drawings has not been translated. See PCT Rule 49.5(d).

CONCLUSION

For the reasons noted above, petition to revive under 37 CFR 1.137(b) is **GRANTED**.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application including mailing of a Notification of Missing Requirements, requiring a proper translation.

Bena Miller
Detailee PCT Legal Examiner
Office of PCT Legal Administration

Boris Milef
PCT Legal Examiner
Office of PCT Legal Administration

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& SCHIFFMILLER, P.C.
489 FIFTH AVENUE
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In re Application of	:	
IVANOVA, Natalia Viktorovna	:	
Application No.: 11/632,810	:	
PCT No.: PCT/RU2004/000273	:	
Int. Filing Date: 13 July 2004	:	DECISION
Priority Date: 15 July 2003	:	
Attorney's Docket No.: IVANOVA/Collier	:	
For: METHOD AND DEVICE ... INTERNAL	:	
COMBUSTION ENGINE	:	

This notification is in response to applicants' response to the Notification of Missing Requirements, filed in the United States Patent and Trademark Office on 11 September 2007.

BACKGROUND

On 16 August 2007, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that a proper English translation of the international application and the processing fee for late filing of the translation were required.

On 11 September 2007, applicants filed a translation of the drawings and the processing fee.

DISCUSSION

The translation of the drawings into English is acceptable. The processing fee for late filing of the translation has been paid. Additionally, the fee for filing the search fee, examination fee or oath or declaration after 30 months from the priority date will be charged to deposit account no. 11-1145, as authorized.

CONCLUSION

For the above reasons, the translation satisfies 35 U.S.C. §371(c)(2).

This application is being referred to the National Phase Processing Branch of the Office of Patent Application Processing for further action consistent with this decision. The application has a 35 USC 371(c)(1), (c)(2), and (c)(4) date of 11 September 2007.

/Erin P. Thomson/

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HARRINGTON & SMITH, PC
4 RESEARCH DRIVE
SHELTON CT 06484-6212

17 MAR 2008

In re Application of
Weber et al.
Application No.: 11/632,816
PCT No.: PCT/EP2005/007490
Int. Filing Date: 11 July 2005
Priority Date: 21 July 2004
Attorney Docket No.: 003D.0120.U1(US)
For: Cable Connector Assembly With Repairable Braid Termination

DECISION

This is in response to the petition under 37 CFR 1.137(b) filed on 14 January 2008.

BACKGROUND

This international application was filed on 11 July 2005, claimed an earliest priority date of 21 July 2004, and designated the United States. The International Bureau transmitted a copy of the published international application to the USPTO on 26 January 2006. Consequently, the thirty month period for payment of the basic national fee in the United States expired as of midnight on 21 January 2007. On 18 January 2007, applicants filed *inter alia* the basic national fee.

On 02 July 2007, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants, requiring the submission of an executed oath or declaration of the inventors in compliance with 37 CFR 1.497(a) and (b) and the surcharge under 37 CFR 1.492(h).

DISCUSSION

Petitioner refers to a required reply in the form of a "Declaration of the Inventors." Review of the record reveals that the period for response to the Notification of Missing Requirements mailed on 02 July 2007, as maximally extended under 37 CFR 1.136(a), expired on 04 February 2008 (since 02 February 2008 was a Saturday). However, petitioner filed a declaration compliant with 37 CFR 1.497(a) and (b) and the surcharge under 37 CFR 1.492(h) on 14 January 2008. Since, as of the date of the petition, the international application had not become abandoned with respect to the national stage in the United States, the petition under 37 CFR 1.137(b) is **MOOT**.

The $1540.00 paid toward the 37 CFR 1.137(b) petition fee is being applied toward the required extension of time fee under 37 CFR 1.136(a). The $690.00 balance of the extension of time fee is being charged to Deposit Account no. 50-1924, per the Transmittal Letter filed on 18 January 2007.

CONCLUSION

The petition under 37 CFR 1.137(b) is **DISMISSED AS MOOT**.

This application is being returned to the Office of Patent Application Processing for further processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **14 January 2008**.

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18 JAN 2008

BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA, VA 22313-1404

In re Application of OGIHARA et al	:	
U.S. Application No.: 11/632,828	:	
PCT Application No.: PCT/JP2005/013405	:	DECISION
Int. Filing Date: 21 July 2005	:	
Priority Date Claimed: 22 July 2004	:	
Attorney Docket No.: 1027550-000900	:	
For: EXTRACORPOREAL CIRCULATOR	:	

This is in response to applicant's "Petition Under 37 C.F.R. §1.182 to Change Name of Inventor" filed 19 September 2007.

BACKGROUND

On 21 July 2005, applicant filed international application PCT/JP2005/013405, which claimed priority of an earlier Japan application filed 22 July 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 26 January 2006. The thirty-month period for paying the basic national fee in the United States expired on 22 January 2007.

On 19 January 2007, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 21 February 2007, applicant filed an executed declaration.

On 13 July 2007, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that a translation of the claims and a properly executed oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 19 September 2007, applicant filed the present petition under 37 CFR 1.182 along with a translation of the claims.

DISCUSSION

The surname of the fourth inventor is listed on the declaration as "Ishikura" and is listed on the published international application as "Togashi".

MPEP 1893.01(e), Correction of Inventorship, states in relevant part,

> Where there has been no change of inventorship but the name of an inventor indicated in the international application during the international phase has changed such that the inventor's name is different from the corresponding name indicated in an oath or declaration submitted under 37 CFR 1.497, for example, on account of marriage, then a petition under 37 CFR 1.182 will be required to accept the oath or declaration with the changed name. See MPEP § 605.04(c).

Pursuant to MPEP 605.04(c), a petition to change an inventor's name must include the appropriate petition fee and a statement signed by the inventor setting forth both names and the procedure whereby the change of name was effected or a copy of the court order. In the present case, the requisite petition fee and statement have been provided.

The surname of the fifth inventor is listed on the declaration as "Ito" and is listed on the published international application as "Itou". The mistake is deemed to be the result of a transliteration error as set forth in the petition, and no further documentation is required.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.182 is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 21 July 2005, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 19 September 2007.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

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2 9 APR 2009

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In re Application of	:	
MALACHOWSKI, et al.	:	
PCT No.: PCT/US05/26673	:	DECISION ON PETITION
Application No.: 11/632,870	:	
Int. Filing Date: 27 July 2005	:	UNDER 37 CFR 1.137(b)
Priority Date: 27 July 2004	:	
Atty. Docket No.: P160US02	:	
For: ENHANCING FLOW CYTOMETRY	:	
DISCRIMINATION WITH GEOMETRIC	:	
TRANSFORMATION	:	

This decision is in response to applicant's petition under 37 CFR § 1.137(b) filed 25 November 2008 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 27 July 2005, applicant filed international application PCT/US05/26673 which claimed priority to an earlier application filed 27 July 2004. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 27 January 2007.

On 19 January 2007, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1) and a preliminary amendment.

On 05 March 2008, applicant was mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371" (Form PCT/DO/EO/905) informing applicant of the need to provide an oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. Applicant was afforded two months to file the proper reply and informed that this period could be extended pursuant to 37 CFR 1.136(a).

On 02 June 2008, applicant filed a revocation and power of attorney.

On 07 November 2008, applicant was mailed a courtesy copy of the Form PCT/DO/EO/905 to the new correspondence address.

On 25 November 2008, applicant filed a response including an authorization for payment

of necessary extension of time fees or in the alternative, a petition to revive under 37 CFR 1.137(b).

DISCUSSION

As detailed above, the mailing of the courtesy copy of the Form PCT/DO/EO/905 on 07 November 2008 did not reset the period for response. As such, the present application became abandoned for failure to respond to the Form PCT/DO/EO/905 on 05 October 2008.

37 CFR 1.137(b) permits the filing of a petition to revive an abandoned application where the abandonment resulted from an unintentional delay. A grantable petition under this section must include: (1) the required reply, unless previously filed; (2) the petition fee required by law; (3) a statement that the "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional;" and (4) any terminal disclaimer and fee required pursuant to 37 CFR 1.137(c).

Applicant has satisfied items (2) and (3). It is noted that item (4) does not apply to the present application.

Regarding item (1), the proper reply was a compliant, executed oath or declaration of the inventors. The declaration filed 25 November 2008 does not comply with 37 CFR 1.497 (a)-(b).

Specifically, MPEP Section 201.03 states that:

An oath or declaration under 37 CFR 1.63 by each actual inventor must be presented. While each inventor need not execute the same oath or declaration, each oath or declaration executed by an inventor must contain a complete listing of all inventors so as to clearly indicate what each inventor believes to be the appropriate inventive entity. **Where individual declarations are executed, they must be submitted as individual declarations rather than combined into one declaration**. (boldness added)

The currently filed declaration contains a page "2 of 3" listing and signed by inventor Malachowski; a page "3 of 3" listing inventors Purcell and Stanton signed by inventor Stanton and an unnumbered sheet listing all three inventors executed by inventor Purcell. This suggests that either the filed declaration was compiled from numerous declarations or that the inventors only returned their signature pages. Either scenario renders the document non-compliant.

In light of the above, it is not possible to grant applicant's petition at this time.

CONCLUSION

For the reasons stated above, applicant's petition to revive under 37 CFR 1.137(b) is **DISMISSED**.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.137(b)." No additional petition fee is required.

Please direct further correspondence with respect to this matter to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

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2 6 MAY 2009

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WASHINGTON DC 20005

In re Application of	:	
MALACHOWSKI, et al.	:	
PCT No.: PCT/US05/26673	:	DECISION ON
Application No.: 11/632,870	:	
Int. Filing Date: 27 July 2005	:	RENEWED PETITION
Priority Date: 27 July 2004	:	
Atty. Docket No.: P160US02	:	UNDER 37 CFR 1.137(b)
For: ENHANCING FLOW CYTOMETRY	:	
DISCRIMINATION WITH GEOMETRIC	:	
TRANSFORMATION	:	

This decision is in response to applicant's renewed petition under 37 CFR § 1.137(b) filed 18 May 2009 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 29 April 2009, applicant was mailed a decision dismissing applicant's petition under 37 CFR1.137(b). Applicant was afforded two months to file any request for reconsideration.

On 18 May 2009, applicant filed the renewed petition to revive under 37 CFR 1.137(b) considered herein.

DISCUSSION

As detailed in the decision mailed 29 April 2009, 37 CFR 1.137(b) permits the filing of a petition to revive an abandoned application where the abandonment resulted from an unintentional delay. A grantable petition under this section must include: (1) the required reply, unless previously filed; (2) the petition fee required by law; (3) a statement that the "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional;" and (4) any terminal disclaimer and fee required pursuant to 37 CFR 1.137(c).

Applicant has satisfied items (2) and (3). It is noted that item (4) does not apply to the present application.

Regarding item (1), the proper reply was a compliant, executed oath or declaration of the inventors. The declaration filed 18 May 2009 does not comply with 37 CFR 1.497 (a)-(b). Specifically, 37 CFR 1.497(a)(3) requires that the filed declaration identify each inventor and the

country of citizenship of each inventor. The filed declarations do not list the citizenships of the non-signing inventors in each declaration. For example the declaration executed by inventor Stanton does not identify the citizenship of inventors Purcell and Malachowski. In addition,

In light of the above, it is not possible to grant applicant's petition at this time.

CONCLUSION

For the reasons stated above, applicant's petition to revive under 37 CFR 1.137(b) is **DISMISSED**.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.137(b)." No additional petition fee is required.

Please direct further correspondence with respect to this matter to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

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In re Application of	:	
MALACHOWSKI, et al.	:	DECISION ON PETITION
Application No.: 11/632,870	:	
PCT No.: PCT/US05/26673	:	UNDER 37 CFR 1.137(b)
Int. Filing Date: 27 July 2005	:	
Priority Date: 27 July 2004	:	
Atty. Docket No.: P160US02	:	
For: ENHANCING FLOW CYTOMETRY	:	
DISCRIMINATION WITH GEOMETRIC	:	
TRANSFORMATION	:	

The renewed petition to revive under 37 CFR 1.137(b) filed 16 July 2009 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" and the prompt filing of the petition satisfies the requirement of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has now provided a compliant declaration executed by the inventors. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America. Further, a review of the application file reveals that all of the requirements of 35 U.S.C. 371 for entry into the national stage in the United States have been satisfied.

The application has an international filing date of 27 July 2005 under 35 U.S.C. 363 and will be given a date of **16 July 2009** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for treatment in accordance with this decision.

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Washington, DC 20005

In re Application of
BRETSCHNEIDER *et al*
U.S. Application No.: 11/632,885
PCT No.: PCT/US02/12443
Int. Filing Date: 08 July 2005
Priority Date: 19 July 2004
Docket No.: 2400.1350000/JMC/VLC/THN
For: SUBSTITUTED 1H-PYRROLE-2, 5-DIONES

DECISION

This is a decision on applicants' petition under 37 CFR 1.181 filed 11 July 2008. No fee is required.

BACKGROUND

On 12 March 2008, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and a $130.00 surcharge fee must be provided. Applicants were given two months to respond with extensions of time available under 37 CFR 1.136(a).

On 11 July 2008, applicants filed the instant petition which was accompanied by, *inter alia*, an executed declaration, the $130.00 surcharge fee and a two-month extension and a $460.00 extension fee.

DISCUSSION

Applicants claim that the Form PCT/DO/EO/905 mailed 12 March 2008 was not received until a status check was performed on Private PAIR on 13 June 2008. Applicants filed the required response on 11 July 2008 and request that the subject response be deemed timely and that the extension of time fee be refunded. The correct address for counsel is listed on the Form PCT/DO/EO/905 mailed 12 March 2008.

The showing required to establish the failure to receive an Office communication consists of: (1) a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO; (2) a statement that the Office action was not received at the correspondence address of record; (3) a statement that a search of the practitioner's record(s), including

any file jacket or the equivalent, and the application contents, indicates that the Office action was not received; and, (4) a copy of the docket record where the nonreceived Office communication would have been entered had it been received and docketed is required. *See* § 711.03(c)(I)(A) MPEP.

In this case, applicants state that the Form PCT/DO/EO/905 was not received. Applicants also submitted copies of counsel's correspondence logs from 12 March 2008 through 27 March 2008 and a copy of the 16 July 2008 correspondence log where petitioners received the Form PCT/DO/EO/905. A copy of the Action Details log for the subject application was also submitted.

This is not sufficient.

Applicants must provide a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. Applicants must also provide a statement that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. The docket record requirement is also not yet satisfied. Section 711.03(c)(I)(A) of the MPEP expands on the docket record requirement and states that:

> A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question

Applicants should provide a copy of the master docket record for the law firm two months from the mail date of the Form PCT/DO/EO/905 (12 May 2008).

For these reasons, applicants have failed to establish the failure to receive the Form PCT/DO/EO/905.

CONCLUSION

Applicants' petition under 37 CFR 1.181 is **DISMISSED** without prejudice.

As such, a refund of the two-month extension fee of $460.00 is not authorized.

If reconsideration on the merits of this petition is desired, a proper response establishing nonreceipt of the Form PCT/DO/EO/905 mailed 12 March 2008 must be filed within **TWO (2) MONTHS** from the mail date of this decision.

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

This application is being forwarded to the DO/EO/US for further processing.

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2 2 DEC 2008

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In re Application of
BRETSCHNEIDER *et al*
U.S. Application No.: 11/632,885
PCT No.: PCT/US02/12443
Int. Filing Date: 08 July 2005
Priority Date: 19 July 2004
Docket No.: 2400.1350000/JMC/VLC/THN
For: SUBSTITUTED 1H-PYRROLE-2, 5-DIONES

DECISION

This is a decision on applicants' renewed petition under 37 CFR 1.181 and request for refund filed 04 November 2008.

BACKGROUND

On 04 September 2008, a decision dismissing applicant's petition under 37 CFR 1.181 was mailed. As such, the request for refund of the extension fee was also dismissed. Petitioners were given two-months to respond with extensions of time available pursuant to 37 CFR 1.136(a).

On 04 November 2008, applicants submitted a supplemental response which included documentary evidence in support of the petition.

DISCUSSION

Applicants claim that the Form PCT/DO/EO/905 mailed 12 March 2008 was not received until a status check was performed on Private PAIR on 13 June 2008. The prior decision noted that applicants had several deficiencies and were requested to:

(1) provide a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO; (2) provide a statement that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received; and (3) provide a copy of the master docket record for the law firm two months from the mail date of the Form PCT/DO/EO/905 (12 May 2008).

In the renewed petition, the explanation of the docket system is sufficient to satisfy item (1) above. Applicants included the requisite statement requested by (2). With regards to the third requirement, applicants state that their master docket record is

not capable of providing this. Instead, applicants submitted a copy of the incoming Correspondence Log for the period of 12 March 2008 to 12 May 2008 which did not reveal receipt of the Form PCT/DO/EO/905. A copy of the Correspondence Log for 16 June 2008 was also provided which shows receipt on this date. Applicants also submitted an Action Details log showing that the Form PCT/DO/EO/905 was input on the docket system on 17 June 2008. Finally, a copy of the Application File Jacket was also provided. This evidence, in lieu of the master docket record is sufficient to meet this element.

For these reasons, applicants have now established the failure to receive the Form PCT/DO/EO/905 mailed 12 March 2008.

CONCLUSION

Applicants' petition under 37 CFR 1.181 is hereby **GRANTED**.

A refund of the two-month extension fee of $460.00 is **GRANTED** and has been credited to Deposit Account No. 19-0036 as requested.

This application is being forwarded to the DO/EO/US for further processing.

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0 4 AUG 2008

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In re Application of	:	
Montalbano	:	
Application No.: 11/632,886	:	
PCT No.: PCT/IB2005/052285	:	
Int. Filing Date: 11 July 2005	:	DECISION
Priority Date: 19 July 2004	:	
Attorney Docket No.: FR040106US1	:	
For: SIR Estimation Techniques	:	

The petition to revive under 37 CFR 1.137(b) filed on 02 May 2008 in the above-captioned application is hereby **GRANTED** as follows:

Petitioner states that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional." Said statement is being accepted in satisfaction of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has paid the petition fee, and has filed the required reply in the form of a declaration compliant with 37 CFR 1.497(a) and (b); the surcharge under 37 CFR 1.492(h) is being charged to counsel's Deposit Account No. 50-4019. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the Office of Patent Application Processing for further processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **02 May 2008**.

/George Dombroske/
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2 1 MAY 2008

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Indianapolis, IN 46204

In re Application of
VLAHOV *et al*
U.S. Application No.: 11/632,895
PCT No.: PCT/US2005/026068
Int. Filing Date: 22 July 2005
Priority Date: 23 July 2004
Attorney Docket No.: 20150-201445
For: BIVALENT LINKERS AND CONJUGATES THEREOF

DECISION

This decision is in response to the "Petition Under 37 CFR 1.182 to Correct the International Application Number" filed 22 April 2008.

BACKGROUND

On 07 April 2008, a communication was mailed informing applicants that contradictory information was submitted on the initial national stage filing. Specifically, the transmittal letter indicated that the underlying PCT number for the subject national stage application was PCT/US2005/026069. Other indications suggest that the international application number should be PCT/US2005/026068. Applicants were advised to submit a petition to correct the error.

On 22 April 2008, applicants filed the subject petition under 37 CFR 1.182.

DISCUSSION

In response to the communication mailed 07 April 2008, applicants request the Office correct the PCT number listed on the transmittal letter and process the subject application as the national stage of PCT/US2005/026068.

The $400.00 petition fee has been charged to Deposit Account No. 10-0435 as authorized.

A review of the initial papers filed 19 January 2007 show that papers correspond to PCT/US2005/026068, not PCT/US2005/026069. The international application, Information Disclosure Statement and First Preliminary Amendment identifies the PCT number as PCT/US2005/026068. Moreover, the title, name of applicants, and filing dates on the transmittal letter also correspond to PCT/US2005/026068, not

PCT/US2005/026069.

As such, it is clear that applicants intended to file the subject application as the national stage application for PCT/US2005/026068. This is sufficient for a grantable petition under 37 CFR 1.182.

CONCLUSION

For the reasons listed above, the petition under 37 CFR 1.182 to correct the PCT application number listed on the transmittal letter is **GRANTED**.

The above-captioned application is the national stage of **PCT/US2006/026068**.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.

James Thomson

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/632,922	01/18/2007	Denis J. Stemmle	F-844-O2	2353

50818 7590 06/04/2010
ROBERTS MLOTKOWSKI SAFRAN & COLE, P.C.
Intellectual Property Department
P.O. Box 10064
MCLEAN, VA 22102-8064

EXAMINER
RODRIGUEZ, JOSEPH C

ART UNIT	PAPER NUMBER
3653	

NOTIFICATION DATE	DELIVERY MODE
06/04/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@rmsclaw.com
lgallaugher@rmsclaw.com
dbeltran@rmsclaw.com

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JUN - 3 2010

ROBERTS MLOTKOWSKI SAFRAN & COLE, P.C.
Intellectual Property Department
P.O. Box 10064
McLean, VA 22102-8064

In re Application of	:	
Denis J. Stemmle	:	RESPONSE TO PETITION
Application No. 11/632,922	:	TO EXPUNGE FILED
Filed: January 18, 2007	:	UNDER 37 CFR § 1.59(b)
For: CARRIER DELIVERY SEQUENCE AND	:	
PROCESS ADAPTED FOR UPSTREAM	:	
INSERTION OF EXCEPTIONAL MAIL PIECES		

This is a response to the petition under 37 CFR § 1.59(b), filed October 5, 2009 to expunge information from the above identified application.

The decision on the petition will be held in abeyance until allowance of the application or mailing of an *Ex parte Quayle* action or a Notice of Abandonment, at which time the petition will be decided.

Petitioner requests that "information submitted with the Second Supplemental IDS filed on September 25, 2009 be expunged" as it contains "work product" that is "privileged".

A proper petition under 37 CFR 1.59(b) to expunge information submitted under MPEP § 724.02, or that should have been submitted under MPEP § 724.02 (as where proprietary information is submitted in an information disclosure statement but inadvertently not submitted in a sealed envelope as discussed in MPEP § 724.02) must contain:

(A) a clear identification of the information to be expunged without disclosure of the details thereof;
(B) a clear statement that the information to be expunged is trade secret material, proprietary material, and/or subject to a protective order, and that the information has not been otherwise made public;
(C) a commitment on the part of the petitioner to retain such information for the period of any patent with regard to which such information is submitted;
(D) a statement that the petition to expunge is being submitted by, or on behalf of, the party in interest who originally submitted the information;
(E) the fee as set forth in 37 CFR 1.17(g) for a petition under 37 CFR 1.59(b).

The decision on the petition is held in abeyance because prosecution on the merits is not closed. Accordingly, it is not appropriate to make a final determination of whether or not the material requested to be expunged is "material," with "materiality" being defined as any information which the examiner considers as being important to a determination of patentability of the claims. Thus, the decision on the petitions to expunge must be held in abeyance at this time.

During prosecution on the merits, the examiner will determine whether or not the identified document is considered to be "material." If the information is not considered by the examiner to be material, the information will be removed from the official file.

David Talbott, Director
Patent Technology Center 3600
(571) 272-5150

DT/tl: 06/02/2010

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COLLARD & ROE, P.C.
1077 NORTHERN BOULEVARD
ROSLYN, NY 11576

Mail Date: 04/21/2010

Applicant	: Andreas Hagemann	: DECISION ON REQUEST FOR
Patent Number	: 7601658	: RECALCULATION of PATENT
Issue Date	: 10/13/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/632,925	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/12/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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MAIL

JUN 04 2008

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

JORDAN AND HAMBURG LLP
122 EAST 42ND STREET
SUITE 4000
NEW YORK, NY 10168

In re Application of
UKITA, NORIMICHI
Serial No.: 11/632,932
Filed: January 19, 2007
For: IMAGE PROCESSING DEVICE, IMAGE PROCESSING METHOD, AND RECORDING MEDIUM ON WHICH THE PROGRAM IS RECORDED

DECISION ON PETITION
ACCEPTANCE OF COLOR DRAWINGS

This is a decision on the petition pursuant to 37 C.F.R. § 1.84(a)(2), filed January 19, 2007, requesting acceptance of color drawings.

The petition requests that the color drawings/photographs, noted as Figures 6A, 6B, 7A, 8A be accepted in lieu of black and white drawings.

A grantable petition under 37 C.F.R. §1.84(a)(2) must be accompanied by a fee set forth under 37 C.F.R. § 1.17(h), 3 (three) set of the color drawings in question, and the specification must contain, or be amended to contain, the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings:

"The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

A review of the file record reveals that applicant has provided three sets of color drawings, filed simultaneously with the subject petition and the required amendment to the specification.

Petitioner has satisfied the requirements of 37 C.F.R. §1.84(a)(2). Accordingly, the petition is **GRANTED**.

The application file will be forwarded to the examiner for action in appropriate turn.

Kenneth Wieder
Special Program Examiner
Technology Center 2600

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/632,936	04/11/2007	Yasuhiro Yamakawa	KIYO-50(KUP-D07-01)	2376

7590 12/06/2007
Curt Harrington
Suite 250
6300 State University Drive
Long beach, CA 90815

EXAMINER

ART UNIT	PAPER NUMBER
1754	

MAIL DATE	DELIVERY MODE
12/06/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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CURT HARRINGTON
SUITE 250
6300 STATE UNIVERSITY DRIVE
LONG BEACH, CA 90815

DEC - 6 2007

In re Application of	:	DECISION ON REQUEST TO
Yasuhiro YAMAKAWA et al	:	PARTICIPATE IN PATENT
Application No. 11/632936	:	PROSECUTION HIGHWAY
Filed: April 11, 2007	:	PILOT PROGRAM AND
Attorney Docket No. KIYO-50(KUP-D07-01)	:	PETITION TO MAKE SPECIAL
	:	UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d) and the preliminary amendment, filed November 8, 2007, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kathryn Gorgos at 571 272-1012.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Kathryn Gorgos
TQAS TC 1700

- 3 FEB 2010

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Alexandria, VA 22313-1450
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FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON DC 20007

In re Application of	:	
Kim et al.	:	
Application No. 11/632,956	:	
PCT No.: PCT/EP2005/007967	:	
Int. Filing Date: 21 July 2005	:	DECISION
Priority Date: 22 July 2004	:	
Att. Docket No.: 028622-0162	:	
For: Alpha-Defensins As Anthrax Immunotherapeutis	:	

The petition to revive under 37 CFR 1.137(b) filed on 04 August 2009 in the above-captioned application is hereby **GRANTED** as follows:

Petitioner states that "the entire delay in filing the required reply, from the due date for the reply until the filing of this petition, was unintentional." This is being construed as a statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional." Petitioner must promptly notify this Office if this interpretation is incorrect. Said statement is being accepted in satisfaction of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicants have paid the petition fee. The required reply has been filed. No terminal disclaimer is required. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the national stage in the United States of America.

This application is being forwarded to the Office of Patent Application Processing for further processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **19 January 2007**.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283

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CURATOLO SIDOTI CO., LPA
24500 CENTER RIDGE ROAD, SUITE 280
CLEVELAND, OH 44145

Mail Date: 04/21/2010

Applicant	: Boris Schilling	: DECISION ON REQUEST FOR
Patent Number	: 7638343	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/632,976	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/30/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **22** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

2 6 NOV 2007

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SCULLY SCOTT MURPHY & PRESSER, PC
400 GARDEN CITY PLAZA
SUITE 300
GARDEN CITY NY 11530

In re Application of	:	
HIRAKAWA et al.		
Application No.: 11/632,979	:	DECISION
PCT No.: PCT/JP2006/313993	:	
Int. Filing Date: 13 July 2006	:	
Priority Date: 14 July 2005	:	
Attorney Docket No.: 20669	:	
For: IN VIVO IMAGING DEVICE, DISPLAY DEVICE,	:	
IMAGING AND DISPLAYING SYSTEM AND	:	
INTRA-SUBJECT INDWELLING SYSTEM	:	
USING THE SAME	:	

This decision is in response to applicants' submission filed in the United States Patent and Trademark Office (USPTO) on 24 September 2007, which has properly been treated as a petition under 37 CFR 1.181. No petition fee is required.

BACKGROUND

On 13 July 2006, applicants filed international application PCT/JP2006/313993, which designated the United States and claimed a priority date of 14 July 2005. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 18 January 2007. The thirty-month period for paying the basic national fee in the United States expired at midnight on 14 January 2008.

On 19 January 2007, applicants filed, *inter alia*, a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 24 September 2007, applicants filed the instant submission which has properly been treated as a petition under 37 CFR 1.181. The petition was accompanied by, *inter alia*, a copy of a declaration of inventors and a USPTO date-stamped postcard receipt.

DISCUSSION

Although a copy of the receipt for the above-identified application which bears a USPTO date stamp of 26 February 2007 and which itemizes an "Executed Declaration W/Power of Attorney" and identifies the above-captioned application number, docket number, title, and applicant has been provided, no statement by practitioner attesting that the copy of the

declaration filed 24 September 2007 is a copy of the declaration originally filed 26 February 2007 has been provided. Accordingly, it would be inappropriate to accept the declaration filed 24 September 2007 as having been originally received in the USPTO on 26 February 2007.

CONCLUSION

The petition under 37 CFR 1.181 is **DISMISSED** for the reasons set forth above.

If reconsideration on the merits of this petition is desired, a proper reply must be filed within TWO (2) MONTHS form the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.181." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301
Facsimile: (571) 273-0459

07 JAN 2008

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SUITE 300
GARDEN CITY NY 11530

In re Application of	:	
HIRAKAWA et al.		
Application No.: 11/632,979	:	DECISION
PCT No.: PCT/JP2006/313993	:	
Int. Filing Date: 13 July 2006	:	
Priority Date: 14 July 2005	:	
Attorney Docket No.: 20669	:	
For: IN VIVO IMAGING DEVICE, DISPLAY DEVICE,	:	
IMAGING AND DISPLAYING SYSTEM AND	:	
INTRA-SUBJECT INDWELLING SYSTEM	:	
USING THE SAME	:	

This decision is in response to applicants' submission filed in the United States Patent and Trademark Office (USPTO) on 10 December 2007, which has properly been treated as a renewed petition under 37 CFR 1.181. No petition fee is required.

BACKGROUND

On 13 July 2006, applicants filed international application PCT/JP2006/313993, which designated the United States and claimed a priority date of 14 July 2005. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 18 January 2007. The thirty-month period for paying the basic national fee in the United States expires at midnight on 14 January 2008.

On 19 January 2007, applicants filed, *inter alia*, a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 23 July 2007, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) was required.

On 24 September 2007, applicants filed a submission which was properly treated as a petition under 37 CFR 1.181. The petition was accompanied by, *inter alia*, a copy of a declaration of inventors and a USPTO date-stamped postcard receipt.

On 26 November 2007, a decision was mailed dismissing applicants' petition under 37 CFR 1.181 because a statement by the practitioner attesting that the copy of the declaration filed 24 September 2007 is a copy of the declaration originally filed 26 February 2007 had not been provided.

On 10 December 2007, applicants filed the instant renewed petition under 37 CFR 1.181 which was accompanied by a statement by the practitioner.

DISCUSSION

Applicants have now provided sufficient evidence to establish that on 26 February 2007 applicants filed a declaration of inventors. The proof is in the form of the copy of the receipt for the above-identified application which bears a USPTO date stamp of 26 February 2007 and which itemizes an "Executed Declaration W/Power of Attorney" and identifies the above-captioned application number, docket number, and title. Further, practitioner states that the copy of the declaration filed 24 September 2007 is a copy of the declaration originally filed 26 February 2007. Therefore, in view of the date-stamped receipt and practitioner's statement, the declaration received on 24 September 2007 may properly be accepted as originally received in the USPTO on 26 February 2007. The NOTIFICATION OF MISSING REQUIREMENTS mailed 23 July 2007 is hereby vacated.

The declaration of inventors filed 26 February 2007 is in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

The petition under 37 CFR 1.181 is **GRANTED** for the reasons set forth above.

The NOTIFICATION OF MISSING REQUIREMENTS mailed 23 July 2007 is **VACATED**.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application in accordance with this decision.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301
Facsimile: (571) 273-0459

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27 MAR 2007

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Eric B. Meyertons
CONLEY, ROSE & TAYLON, P.C.
P.O. BOX 398
AUSTIN, TX 78767-0398

In re Application of	:	DECISION ON
SIMONS, Danny	:	
Application No. 11/632,989	:	
PCT No.: PCT/AU2005/001046	:	
Int. Filing Date: 15 July 2005	:	PETITION UNDER
Priority Date: 16 July 2004	:	
Attorney's Docket No.: 6098-00300	:	
For: CLOSURE DEVICE FOR A BOTTLE	:	
	:	37 CFR §1.137(b)

This petition decision is in response to Applicant's "PETITION TO REVIVE APPLICATION ABANDONED UNINTENTIONALLY," filed on 19 January 2007. The small entity fee for the Petition in the amount of $750 has been submitted.

BACKGROUND

On 15 July 2005, the above-identified international application was filed with a claimed foreign priority date of 16 July 2004. Under 37 CFR §1.495(b), Applicant must submit the items identified in 37 CFR §1.495(b) no later than 30 months from the date of foreign priority to avoid abandonment. In the instant application, the thirty-month date would be 16 January 2007. The instant application became abandoned as to the United States on 17 January 2007 for failure to pay the basic national fee.

On 19 January 2007, a "Transmittal Letter To The United States Designated/Elected Office (DO/EO/US) Concerning A Filing Under 35 U.S.C. § 371" was received in the United States Patent and Trademark Office (USPTO) including the required fees. The 19 January 2007 Letter was accompanied by a "PETITION TO REVIVE APPLICATION ABANDONED UNINTENTIONALLY" with the small entity petition fee of $750 as provided for in 37 CFR §1.17(m).

DISCUSSION

Under 37 CFR §1.137(b), a grantable petition for revival of an unintentionally abandoned application must be accompanied by: (1) the reply required to the outstanding Office action or notice, unless previously filed; (2) the petition fee as set forth in 37 CFR §1.17(m); (3) a statement under 37 CFR §1.137(b)(3) that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR §1.137(b) was unintentional; and (4) any terminal disclaimer that may be required under 37 CFR §1.137(d).

The Petitioner has submitted the basic national filing fee (small entity) of $150, has submitted petition fee (small entity) of $750, and has stated that the "entire delay in filing the basic national fee was unintentional" (Petition of 19 January 2007, page 1), which is presumed to mean that, "the entire delay in filing the required reply from the due date until the filing of a grantable petition ... was unintentional" (37 CFR 1.137(b)(3)). If this presumption is incorrect, then Applicant is hereby required to inform this office immediately. No terminal disclaimer is required.

DECISION

For the reasons set forth above, the petition under 37 CFR §1.137(b) is hereby **GRANTED**.

This application is being forwarded to the United States Designated Office/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

Bernarr E. Gregory
PCT Legal Administration

Boris Milef
Legal Examiner
PCT Legal Administration

\United States Patent and Trademark Office

2 8 NOV 2007

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Robic
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1001 Victoria Square
Bloc E -8th Floor
Montreal H2Z 2B7 CA CANADA

In re Application of	:	
Zabian	:	
Application No.: 11/632,996	:	
PCT No.: PCT/CA05/01140	:	
Int. Filing Date: 20 July 2005	:	DECISION
Priority Date: 20 July 2004	:	
Attorney Docket No.: 011443-0004	:	
For: Reusable Bag Handle And Method For Manufacturing	:	

This is in response to the request for withdrawal filed on 25 May 2007.

BACKGROUND

This international application was filed on 20 July 2005, claimed an earliest priority date of 20 July 2004, and designated the United States. The International Bureau transmitted a copy of the published international application to the USPTO on 26 January 2006. Consequently, the thirty month period for payment of the basic national fee in the United States expired as of midnight on 22 January 2007 (since 20 January 2007 was a Saturday). On 22 January 2007, applicants filed *inter alia* the basic national fee.

DISCUSSION

Counsel requests withdrawal from the representation on the basis that "Client fails to compensate the above-mentioned agents." 37 CFR 1.36(b) provides that

> A registered patent attorney or patent agent who has been given a power of attorney pursuant to § i.1.32(b) may withdraw as attorney or agent of record upon application to and approval by the Director. The applicant or patent owner will be notified of the withdrawal of the registered patent attorney or patent agent. Where power of attorney is given to the patent practitioners associated with a Customer Number, a request to delete all of the patent practitioners associated with the Customer Number may not be granted if an applicant has given power of attorney to the patent practitioners associated with the Customer Number in an application that has an Office action to which a reply is due, but insufficient time remains for the applicant to file a reply. See § 41.5 of this title for withdrawal during proceedings before the Board of Patent Appeals and Interferences.

While 37 CFR 10.40(c)(1) provides in part that

(c) Permissive withdrawal. If paragraph (b) of this section is not applicable, a practitioner may not request permission to withdraw in matters pending before the Office unless such request or such withdrawal is because:

(1) The petitioner's client:

(vi) Has failed to pay one or more bills rendered by the practitioner for an unreasonable period of time or has failed to honor an agreement to pay a retainer in advance of the performance of legal services.

In view of counsel's statement that the client has failed to compensate the practitioner, it and in view of the procedural stance of this case vis-a-vis the issue of outstanding Office actions, it would be appropriate to grant the request for permission to withdraw from the representation.

DECISION

The request is **ACCEPTED**.

This application is being forwarded to the Office of Patent Application Processing for further processing, including processing of the change of correspondence address filed on 25 May 2007.

George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459

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NATHALIE JODAIN
ROBIC CENTRE CDP CAPTIAL
1001, VICTORIA SQUARE – BLOC E- 8TH FLOOR
MONTREAL, CANADA H2Z 2-B7

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SEP 23 2008

In re Application of	:	
Ma'an ZABIAN	:	
Application No. 11/632,996	:	DECISION ON PETITION
Filed: January 22, 2007	:	TO WITHDRAW
Attorney Docket No. 011443-0004	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 25, 2007.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Nathalie Jodain on behalf of all attorneys/agents of record who are associated with Customer No. 20559.

All attorneys/agents associated with the Customer Number 20559 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The correspondence address has been changed and the new correspondence address is the address indicated below until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6735.

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: MA'AN ZABIAN
1115 SHERBROOKE STREET WEST
SUITE 1406
MONTREAL H3A CA
CANADA

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OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA VA 22320-4850

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FEB 0 5 2008

OFFICE OF PETITIONS

In re Application of	:	
Katsuyuki Yokoi	:	
Application No. 11/633,013	:	DECISION GRANTING PETITION
Filed: December 4, 2006	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 116702.02	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed February 4, 2008, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on December 27, 2007 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 2852 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

---

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form* ***must*** *be completed and timely submitted to avoid abandonment of the application.*

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/633,034	12/04/2006	Sandrine Chodorowski-Kimmes	130469	2556

7590 10/26/2009
OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER
SOROUSH, ALI

ART UNIT	PAPER NUMBER
1616	

MAIL DATE	DELIVERY MODE
10/26/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Mimi Harris

Patent Publication Branch
Office of Data Management

Repln. Ref: 10/26/2009 NFARMER 0314471500
DRN:150461 Name/Number:11633034
FC: 9234 $650.00 CR

Adjustment date: 10/26/2009 NFARMER
12/05/2006 CHEGA1 00000034 11633034
02 FC:1111 -500.00 OP
04 FC:1202 -150.00 OP

FORM PET651G (Rev. 08/07)

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SAWYER LAW GROUP LLP
PO BOX 51418
PALO ALTO, CA 94303

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MAR 20 2008

In re Application of	:	
Kerry D. MALETSKY	:	
Application No. 11/633,045	:	DECISION ON PETITION
Filed: November 30, 2006	:	TO WITHDRAW
Attorney Docket No. 3790P		FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 12, 2008.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request cannot be approved because the attorneys of record were not appointed by customer number.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

There are no outstanding Office actions pending at the present time.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6735.

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: SCHWEGMAN, LUNDBERG
WOESSNER/ATMEL
P.O. BOX 2938
MINNEAPOLIS, MN 55402

UNITED STATES PATENT AND TRADEMARK OFFICE

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JONES DAY
222 EAST 41ST STREET
NEW YORK NY 1017-6702

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APR 16 2007

OFFICE OF PETITIONS

In re Application of	:
Anjali R. Kataria et al	: DECISION DISMISSING
Application No. 11/633,048	: PETITION
Filed: November 30, 2006	:
Attorney Docket No. 341318-999004	:

This is a decision on the petition filed December 14, 2006, requesting that the above-identified application be accorded a filing date of November 30, 2006.

The petition is dismissed as **MOOT** since the application has been accorded a filing date of November 30, 2006.

Office records do reflect a filing date of November 30, 2006, for the instant application. A filing receipt was mailed on December 28, 2006.

This application is being referred to the Office of Initial Patent Examination.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3208.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

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UNITED STATES DEPARTMENT OF COMMERCE
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MCDERMOTT WILL & EMERY LLP
600 13TH STREET, N.W.
WASHINGTON, DC 20005-3096

Mail Date: 04/21/2010

Applicant	: Shuhei Miyoshi	: DECISION ON REQUEST FOR
Patent Number	: 7639489	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/633,074	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/04/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **440** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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MAR 24 2010
OFFICE OF PETITIONS

MILLER, WHITE, ZELANO & BRANIGAN, P.C.
2200 CLARENDON BLVD.
SUITE 1400
ARLINGTON, VA 22201

In re Application of	:	
Hartmut KAGERER et al	:	
Application No. 11/633,087	:	DECISION ON PETITION
Filed: December 4, 2006	:	UNDER 37 CFR 1.55(c)
Attorney Docket No. SCH-2124	:	

This is a decision on the petition under 37 CFR 1.55(c), filed January 29, 2010, to accept an unintentionally delayed claim under 35 U.S.C. § 119(a)-(d) for benefit of priority to the filing date of foreign German Application No. 10 2005 059 191.4, filed December 5, 2005.

The petition is **DISMISSED**.

This application was filed after November 29, 2000, and did not include a reference to the foreign application, for which benefit is now sought, within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior foreign application. Since the claim for priority is submitted after the period specified in 37 CFR 1.55(a)(1)(i), this is an appropriate petition under the provisions of 37 CFR 1.55(c).

A petition under 37 CFR 1.55(c) to accept an unintentionally delayed claim for priority requires:

(1) The nonprovisional application claiming the benefit of an earlier filing date must be filed on or after November 29, 2000;
(2) the claim submitted with the petition must identify the prior foreign application for which priority is claimed, as well as any foreign application for the same subject matter and having a filing date before that of the application for which priority is claimed, by the application number, country, and the filing date, **and be included either in an oath or declaration (37 CFR 1.63(c)(2)) or in an Application Data Sheet (37 CFR 1.76(b)(6))**;
(3) the surcharge as set forth in 37 CFR 1.17(t);

(4) a statement that the entire delay between the date the claim was due under 37 CFR 1.55(a)(1) and the date the claim was filed was unintentional (the Director may require additional information where there is a question whether the delay was unintentional); and

(5) the above-identified nonprovisional application must be filed within 12 months of the filing date of the foreign application.

The petition fails to comply with item (2) above. In this regard, a review of the file record fails to disclose that the priority information was included in an oath or declaration or in an Application Data Sheet (ADS) in accordance with 37 CFR 1.76(b)(6). Unless provided in an ADS, 37 CFR 1.63(c)(2) requires that the oath or declaration must identify the foreign application for patent (or inventor's certificate) for which priority is claimed under 37 CFR 1.55, and any foreign application having a filing date before that of the application on which priority is claimed, by specifying the application number, country, day, month, and year of its filing. *Note* MPEP 201.14.

In view of the above, compliance with 37 CFR 1.63(c)(2) or 37 CFR 1.76(b)(6) must be satisfied if applicant desires to claim priority to the foreign application noted in the petition. Any future petition should include a cover letter and be entitled "Renewed Petition under 37 CFR 1.55(c)."

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Any questions concerning this matter may be directed to the undersigned at (571) 272-0602.

Thurman K. Page
Petitions Examiner
Office of Petitions

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Cooley Godward Kronish, LLP
Attn: Patent Group
Suite 1100
777 – 6th Street, NW
Washington, DC 20001

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APR 21 2009

OFFICE OF PETITIONS

In re Application of	:	
Elizabeth Jean Seabrook et al.	:	
Application No. 11/633,093	:	DECISION ON PETITION
Filed: December 4, 2006	:	TO WITHDRAW
Attorney Docket No. LIFT-023/01US 306510-2255	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 30, 2009.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request cannot be approved because the new change of correspondence address is not acceptable. Our records indicate that Gradipore Limited is the assignee of record, under a different reel and frame number. In order to correct the application file please submit a proper statement under 37 CFR 3.73(b) with a complete chain of title, if applicable.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272- 4618.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : February 14 2008

TO SPE OF : ART UNIT 3747

SUBJECT : Request for Certificate of Correction for Appl. No. 11/633107 patent no7281500

Please respond to this request for a certificate of correction within 7 days.

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

Magdalene Talley

Certificates of Correction Branch

703-308-9390 ext. 116

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

- ☒ **Approved** — **All** changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments: _____

/Michael Cuff/ — **SPE**

3741 — **Art Unit**

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ARTHUR A. CORRY
6832 TRAIL BLVD.
NAPLES FL 34108

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MAY 0 9 2007

OFFICE OF PETITIONS

In re Application of	:	
Corry, Arthur Andrew	:	
Application No. 11/633,158	:	ON PETITION
Filed: December 4, 2006	:	
Title: SIMULATED INTENSE LOG STACK BURNING FIRE	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed December 4, 2006, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes a statement from the applicant, along with a copy of his driver's license. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-3206. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This matter is being referred to the Technology Center Art Unit 3611 for action on the merits commensurate with this decision.

Liana Walsh
Petitions Examiner
Office of Petitions

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DICKE, BILLIG & CZAJA
FIFTH STREET TOWERS
100 SOUTH FIFTH STREET, SUITE 2250
MINNEAPOLIS, MN 55402

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JAN 06 2010

In re Application of **Thomas NIRSCHI** Application No. 11/633,210 Filed: December 4, 2006 Attorney Docket No. **1331.335.101/2006P52639US**	: : : : :	DECISION ON PETITION UNDER 37 CFR 1.137(b)

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 12, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of August 6, 2008. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). No extensions of time pursuant to the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the date of abandonment of this application is November 7, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of $810, and the submission required by 37 CFR 1.114; (2) the petition fee of $1620; and (3) an adequate statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Monica A. Graves at (571) 272-7253.

This application is being referred to Technology Center AU 2827 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

Brian W. Brown
Petitions Examiner
Office of Petitions

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WESTMAN CHAMPLIN & KELLY, P.A.
SUITE 1400
900 SECOND AVENUE SOUTH
MINNEAPOLIS, MN 55402

Mail Date: 04/21/2010

Applicant	: Loren M. Engelstad	: DECISION ON REQUEST FOR
Patent Number	: 7658539	: RECALCULATION of PATENT
Issue Date	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/633,212	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/04/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **246** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

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EDELL, SHAPIRO & FINNAN, LLC
1901 RESEARCH BOULEVARD
SUITE 400
ROCKVILLE, MD 20850

Mail Date: 07/23/2010

Applicant	: Hang Jin	: DECISION ON REQUEST FOR
Patent Number	: 7657237	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/633,220	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/04/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **469** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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CHIEN-HUI SU
P. O. BOX 70-121 TAICHUNG
TAICHUNG CITY 40899 TW TAIWAN

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OFFICE OF PETITIONS

In re Application of :
Chih-Ching Hsieh :
Application No. 11/633,225 : ON PETITION
Filed: December 5, 2006 :
Attorney Docket No. GFP-4006 :

This is a decision on the petition under 37 CFR 1.137(b)[1], filed October 8, 2008, to revive the above-identified application.

The petition is **DISMISSED**.

Any further petition to revive the above-identified application must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(b) are permitted. The reconsideration request should include a cover letter entitled "Petition under 37 CFR 1.137." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

This application became abandoned on March 12, 2008, for failure to timely file a reply to the Final Office action mailed December 11, 2007, which set a three (3) month shortened statutory period for reply. No extensions of time under 37 CFR 1.136(a) were obtained. Accordingly, a Notice of Abandonment was mailed June 27, 2008.
A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by:

(1) the required reply (unless previously filed), which may be met by the filing of a continuing application in a nonprovisional application abandoned for failure to prosecute, but must be the payment of the issue fee or any outstanding balance thereof in an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof;

---

[1]Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may required additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

(2) the petition fee required by 37 CFR 1.17(l);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and

(4) a terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) in a design application, a utility application filed before June 8, 1995, or a plant application filed before June 8, 1995.

The petition does not satisfy requirement (1) above.

The application became abandoned for failure to file a response within the meaning of 37 CFR 1.113 to the final rejection of December 11, 2007, within the time period for response. The only proper reply to a final Office action is an amendment placing the application in *prima facie* condition for allowance, a Notice of Appeal accompanied by the requisite fee, a Request for Continued Examination (RCE) accompanied by a proper submission, or a continuing application. Since the amendment submitted with the petition has been referred to the examiner, who has indicated that the amendment does not prima facie place the application in condition for allowance, the response required for a renewed petition must be a Notice of Appeal and requisite fee, or the filing of a continuing application under the terms set forth in 1031 O.G. 11.

Petitioner must submit a proper reply to the Final Office action mailed on December 11, 2007, with any renewed petition. **Petitioner should note that submission of any renewed petition without the required reply will be construed as intentional delay.**

A courtesy copy of an Advisory Action is included.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

By FAX: (571) 273-8300
ATTN: Office of Petitions

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

Advisory Action Before the Filing of an Appeal Brief	Application No.	Applicant(s)	
	11/633,225	HSIEH, CHIH-CHING	
	Examiner	Art Unit	
	David B. Thomas	3723	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 09 October 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
   a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
   (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
   (b) ☐ They raise the issue of new matter (see NOTE below);
   (c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
   The status of the claim(s) is (or will be) as follows:
   Claim(s) allowed: _____.
   Claim(s) objected to: _____.
   Claim(s) rejected: _____.
   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

/David B. Thomas/
Primary Examiner, Art Unit 3723

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P. O. BOX 70-121 TAICHUNG
TAICHUNG CITY 40899 TW TAIWAN

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OFFICE OF PETITIONS

In re Application of
Chih-Ching Hsieh
Application No. 11/633,225
Filed: December 5, 2006
Attorney Docket No. GFP-4006

ON PETITION

This is a decision on the renewed petition under 37 CFR 1.137(b)[1], filed January 5, 2009, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned on March 12, 2008, for failure to timely file a reply to the Final Office action mailed December 11, 2007, which set a three (3) month shortened statutory period for reply. No extensions of time under 37 CFR 1.136(a) were obtained. Accordingly, a Notice of Abandonment was mailed June 27, 2008. A petition to revive filed October 8, 2008 was dismissed in a decision mailed November 17, 2008 because the amendment filed did not prima facie place the application in condition for allowance. An Advisory Action was mailed with the decision as a courtesy.

Comes now petitioner with the instant renewed petition, a Request for Continued Examination (RCE) and an amendment as the submission required under 37 CFR 1.114.

Petitioner's credit card has been charged in the amount of $405.00 for the RCE.

---

[1]Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may required additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

This matter is being referred to Technology Center 3723 for processing of the RCE.

Telephone inquiries related to this decision should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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DAVID B. WALLER
SUITE 214
5677 OBERLIN DRIVE
SAN DIEGO, CA 92121

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MAR 19 2008

OFFICE OF PETITIONS

In re Application of
Stanley A. SEWITCH, et al
Application No. 11/633,265
Filed: December 4, 2006
Attorney Docket No. KEN.001.DIV

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 1, 2008.

The request is **NOT APPROVED**.

The Office cannot approve the request at this time since the reason provided does not meet any of the conditions under the mandatory or permissive categories enumerated in 37 CFR 10.40. Section 10.40 of Title 37 of the Code of Federal Regulation states, "a practitioner shall not withdraw from employment in a proceeding before the Office without permission from the Office." More specifically, 37 CFR 10.40 states, "if paragraph (b) of this section is not applicable, a practitioner may not request permission to withdraw in matter pending before the Office unless such request or such withdrawal is" for one the permissive reasons listed in 37 CFR 10.40(c). The reason set forth in the request, agent has accepted a position in a law firm, does not meet any of the conditions set forth in 37 CFR 10.40.

The request cannot be approved because the attorneys of record were not appointed by customer number.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

There is an outstanding Office action mailed December 27, 2007 that requires a reply by the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6735.

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: STANLEY A. SEWITCH
HRG, INC.
1780 KETTNER BLVD. #110
SAN DIEGO, CA 92101

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United States Patent and Trademark Office
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MAY 27 2008

OFFICE OF PETITIONS

DAVID B. WALLER
DAVID B. WALLER & ASSOCIATES
5677 OBERLIN DRIVE
SUITE 214
SAN DIEGO, CA 92121

In re Application of	:	
Stanley A. SEWITCH, JR., et al	:	
Application No. 11/633,265	:	DECISION ON PETITION
Filed: December 4, 2006	:	TO WITHDRAW
Attorney Docket No. KEN.001.DIV	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 25, 2008.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by David B. Waller on behalf of all attorneys/agents of record.

All attorneys/agents of record have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new address is indicated below until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6735.

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: STANLEY A. SEWITCH
HRG. INC.
1780 KETTNER BLVD. #110
SAN DIEGO, CA 92101

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/633,265	12/04/2006	Stanley A. Sewitch JR.	KEN.001.DIV

CONFIRMATION NO. 1858

POWER OF ATTORNEY NOTICE

OC000000030141961

David B. Waller
Suite 214
5677 Oberlin Drive
San Diego, CA 92121

Date Mailed: 05/27/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/25/2008.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/dcgoodwyn/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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INTELLECTUAL PROPERTY DEPARTMENT
P.O. BOX 10064
MCLEAN VA 22102-8064

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SEP 30 2008

OFFICE OF PETITIONS

In re Application of	:
David A. Dalessandro et al.	:
Application No. 11/633,291	: DECISION ON PETITION
Filed: December 4, 2006	: UNDER 37 CFR 1.78(a)(3)
Attorney Docket Number: ETH5093USCNT1	:

This is a decision on the petition under 37 CFR 1.78(a)(3), filed August 11, 2008, to accept an unintentionally delayed claim under 35 U.S.C. 120 for the benefit of priority to prior-filed nonprovisional application no. 10/674,303 as set forth in the concurrently filed amendment.

The petition is **DISMISSED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C.120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

There does not appear to be co-pendency between the two applications therefore, the reference as set forth above in item (1) is considered lacking. Further, the amendment filed August 11, 2008 has been considered by the Examiner of record. For the reasons noted in the attached Advisory Action, the Examiner has indicated that the amendment does not place the application in condition for allowance.

In view thereof, the only proper reply to a Final Office action is an amendment placing the application in *prima facie* condition for allowance, a Notice of Appeal accompanied

by the requisite fee, a Request for Continued Examination (RCE) accompanied by a proper submission under 37 CFR 1.114, or a continuing application.
Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Any questions concerning this matter may be directed to Senior Petitions Attorney Patricia Faison-Ball at (571) 272-3212.

Anthony Knight
Supervisor
Office of Petitions

ATTACHMENT: Courtesy Copy of Advisory Action

Advisory Action Before the Filing of an Appeal Brief	Application No. 11/633,291	Applicant(s) DALESSANDRO ET AL.	
	Examiner NATHANIEL C. CHUKWURAH	Art Unit 3721	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 11 August 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
   a) ☐ The period for reply expires _____months from the mailing date of the final rejection.
   b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
   (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
   (b) ☐ They raise the issue of new matter (see NOTE below);
   (c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.
   NOTE: *Applicant fails to claim priority earlier before and after final office action, the rejection is maintained*. (See 37 CFR 1.116 and 41.33(a)).
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
   The status of the claim(s) is (or will be) as follows:
   Claim(s) allowed: _____.
   Claim(s) objected to: _____.
   Claim(s) rejected: *1-6 and 8-12*.
   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

Continuation of 3. NOTE: Applicant fails to claim priority earlier before and after final office action, the rejection is maintained.

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OFFICE OF PETITIONS

In re Application of
David A. Dalessandro et al.
Application No. 11/633,291
Filed: December 4, 2006
Attorney Docket Number: ETH5093USCNT1

: DECISION ON PETITION
: UNDER 37 CFR 1.78(a)(3)

This is a decision on the request for reconsideration filed October 9, 2008, under 37 CFR 1.78(a)(3), to accept an unintentionally delayed claim under 35 U.S.C. 120 for the benefit of priority to prior-filed nonprovisional application no. 10/674,303 as set forth in the concurrently filed amendment.

The petition is **DISMISSED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C.120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

A petition filed August 11, 2008 was dismissed in a decision mailed September 30, 2008 because there did not appear to be co-pendency between application no. 10/674,303 which became abandoned September 7, 2006 and application no. 11/633,291 filed December 4, 2006. No extension of time was filed in the parent application.

If an extension of time is necessary to establish continuity between the prior application and the continuing application filed under 37 CFR 1.53(b), the petition for an extension of time must be filed as a separate paper directed to the prior nonprovisional application.

Under 37 CFR 1.136(a)(3), an authorization to charge all required fees, fees under 37 CFR 1.17, or all required extension of time fees will be treated as a constructive petition

for an extension of time in any concurrent or future reply requiring a petition for an extension of time for its timely submission. A continuing application filed under 37 CFR 1.53(b) is a new application which is assigned a new application number and filing date and is maintained separately from the file of the prior application. The filing of a continuing application is not a paper directed or placed in the file of the prior application and is not a "reply" to the last Office action in the prior application. Thus, a petition for an extension of time and the fee set forth in 37 CFR 1.17 are required to be filed as a separate paper in the prior application. Any petition for an extension of time directed to the prior application must be accompanied by its own certificate of mailing under 37 CFR 1.8 (if mailed by first class mail) or under 37 CFR 1.10 (if mailed by Express Mail), if the benefits of those rules are desired. See M.P.E.P. 201.06(c).

However, once the period for reply has expired, the request for an extension of time can not be made. See 37 CFR 1.136(a)(2). If petitioner desires to claim priority to Application No. 10/674,303 then petitioner would have to revive such application for purposes of continuity only. It should be noted that if the application was intentionally abandoned, the revival of such application would not be possible for any reason. See M.P.E.P. 711.03(c).

The filing of the Request for Continued Examination is acknowledged.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
40I Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Any questions concerning this matter may be directed to Senior Petitions Attorney Patricia Faison-Ball at (571) 272-3212.

Anthony Knight
Supervisor
Office of Petitions

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OFFICE OF PETITIONS

In re Application of :
David A. Dalessandro et al. :
Application No. 11/633,291 : DECISION ON PETITION
Filed: December 4, 2006 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket Number: ETH5093USCNT1 :

This is a decision on the request for reconsideration filed March 3, 2009, under 37 CFR 1.78(a)(3), to accept an unintentionally delayed claim under 35 U.S.C. 120 for the benefit of priority to prior-filed nonprovisional application no. 10/674,303 as set forth in the concurrently filed amendment.

The petition is **DISMISSED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C.120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

A petition filed August 11, 2008 was dismissed in a decision mailed September 30, 2008 because there did not appear to be co-pendency between application no. 10/674,303, which became abandoned September 7, 2006, and application no. 11/633,291 filed December 4, 2006. A subsequent petition filed October 9, 2008 still did not show that co-pendency had been established and thus, the petition was dismissed in a decision mailed November 21, 2008.

While the above requirements have been satisfied and the parent application, 10/674,303, has been revived for purposes of co-pendency in a decision mailed March 24, 2008, the amendment filed March 3, 2009 has been considered by the Examiner of record. The Examiner has indicated that the amendment does not place the application in condition for allowance. An Advisory Action will be mailed under separate cover.

In view thereof, the only proper reply to a final Office action is an amendment placing the application in *prima facie* condition for allowance, a Notice of Appeal accompanied by the requisite fee, a Request for Continued Examination (RCE) accompanied by a proper submission under 37 CFR 1.114, or a continuing application.

It should also be noted that to extend the period for response and to avoid abandonment of the instant application, an extension of time will be required pursuant to 37 CFR 1.136(a).

Since this is a renewed petition and since the petition fee had been previously paid with the petition filed August 11, 2008 and dismissed in a decision mailed September 30, 2008, the petition fee paid with the instant petition is not necessary. A credit in the amount of $1410.00 has been posted to deposit account no. 50-2478.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
40l Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Any questions concerning this matter may be directed to Senior Petitions Attorney Patricia Faison-Ball at (571) 272-3212.

Anthony Knight
Supervisor
Office of Petitions

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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ROBERTS MLOTKOWSKI SAFRAN & COLE, P.C.
INTELLECTUAL PROPERTY DEPARTMENT
P.O. BOX 10064
MCLEAN VA 22102-8064

MAILED

AUG 03 2009

OFFICE OF PETITIONS

In re Application of :
David A. Dalessandro et al. :
Application No. 11/633,291 : DECISION ON PETITION
Filed: December 4, 2006 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket Number: ETH5093USCNT1 :

This is a decision on the "REQUEST FOR RECONSIDERATION OF PETITION TO ACCEPT UNINTENTIONALLY DELAYED CLAIM TO PRIORITY UNDER 35 U.S.C. §120" filed June 1, 2009, under 37 CFR 1.78(a)(3), to accept an unintentionally delayed claim under 35 U.S.C. 120 for the benefit of priority to prior-filed nonprovisional application no. 10/674,303 as set forth in the concurrently filed amendment.

The petition is **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C.120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

A petition filed August 11, 2008 was dismissed in a decision mailed September 30, 2008 because there did not appear to be co-pendency between application no. 10/674,303, which became abandoned September 7, 2006, and application no. 11/633,291 filed December 4, 2006. A subsequent petition filed October 9, 2008 still did not show that co-pendency had been established and thus, the petition was dismissed in a decision mailed November 21, 2008. While the above requirements were satisfied and the parent application, 10/674,303, was revived for purposes of co-pendency in a decision mailed March 24, 2008, the amendment filed March 3, 2009

was considered by the Examiner of record who indicated that the amendment did not place the application in condition for allowance. The decision on petition was mailed March 31, 2009 and an Advisory Action was mailed April 17, 2009.

On May 4, 2009, a Request for Continued Examination (RCE) with a request that the previously filed amendment be considered as the submission as required under 37 CFR 1.114. As well, a two month extension of time was filed.

Comes now petitioner with the instant request for reconsideration.

All requirements having been satisfied, the late claim for priority under 35 U.S.C. 120 is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the prior-filed applications In order for this application to be entitled to the benefit of the prior-filed applications all other requirements under 35 U.S.C. 120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed nonprovisional application, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to Senior Petitions Attorney Patricia Faison-Ball at (571) 272-3212. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to Technology Center Art Unit 3721 for consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. 120 to the prior-filed application.

Anthony Knight
Supervisor
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/633,291	12/04/2006	3721	1000	ETH5093USCNT1	12	1

CONFIRMATION NO. 2104

CORRECTED FILING RECEIPT

25570
ROBERTS MLOTKOWSKI SAFRAN & COLE, P.C.
Intellectual Property Department
P.O. Box 10064
MCLEAN, VA 22102-8064

"OC000000037026509"

Date Mailed: 07/22/2009

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

David A. Dalessandro, Scotch Plains, NJ;
Zhigang Li, Hillsborough, NJ;
Angelo G. Scopelianos, Whitehouse Station, NJ;

Power of Attorney: The patent practitioners associated with Customer Number 25570

Domestic Priority data as claimed by applicant

This application is a CON of 10/674,303 09/30/2003 ABN

Foreign Applications

If Required, Foreign Filing License Granted: 01/23/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/633,291**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Apparatus and method for attaching a surgical buttress to a stapling apparatus

Preliminary Class

227

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, IL 60610

Mail Date: 04/21/2010

Applicant	: Toshiyuki Tsuzaki	: DECISION ON REQUEST FOR
Patent Number	: 7598719	: RECALCULATION of PATENT
Issue Date	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/633,296	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/04/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **232** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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AMSTER, ROTHSTEIN &
EBENSTEIN LLP
90 PARK AVENUE
NEW YORK NY 10016

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MAR 04 2010

In re Application of	:	
Patricia Hanlon-Pena et al	:	
Application No. 11/633,320	:	DECISION GRANTING PETITION
Filed: December 4, 2006	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 3600/455	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed February 17, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on February 2, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 3762 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS.

/Karen Creasy/
Karen Creasy
Petitions Examiner
Office of Petitions

---

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form* ***must*** *be completed and timely submitted to avoid abandonment of the application.*

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POTOMAC PATENT GROUP PLLC
P.O. BOX 270
FREDERICKSBURG, VA 22404

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MAR 15 2010

In re Application of	:	
Frank A. HUNLETH, et al	:	
Application No. 11/633,325	:	NOTICE
Filed: December 4, 2006	:	
Attorney Docket No. 0320-097	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Inquiries related to this communication should be directed to Diane Goodwyn at (571) 272-6735.

Thurman K. Page
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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OFFICE OF PETITIONS

GREER, BURNS & CRAIN
300 S WACKER DR
25TH FLOOR
CHICAGO, IL 60606

In re Patent No. 7,637,688	:	
Issue Date: December 29, 2009	:	
Application No. 11/633,344	:	NOTICE
Filed: December 4, 2006	:	
Attorney Docket No. 4213.76985		

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

Inquiries related to this communication should be directed to Irvin Dingle at (571) 272-3210.

Irvin Dingle
Petitions Examiner
Office of Petitions

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MILLS & ONELLO LLP
ELEVEN BEACON STREET
SUITE 605
BOSTON, MA 02108

Mail Date: 04/21/2010

Applicant	: Chil-Nam Yoon	: DECISION ON REQUEST FOR
Patent Number	: 7652949	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/633,353	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/04/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **350** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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ALVIN S. BLUM
2350 DELMAR PLACE
FORT LAUDERDALE, FL 33301

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OFFICE OF PETITIONS

In re Application of	:	
AGOZZINO, Andrew	:	
Application No. 11/633,364	:	DECISION ON PETITION
Filed: December 4, 2006	:	TO MAKE SPECIAL UNDER
Attorney Docket No. A110608	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed December 4, 2006, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age, must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes the declaration of inventor Andrew Agozzino, attesting to his age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7253.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3676 for action on the merits commensurate with this decision.

Monica A. Graves
Petitions Examiner
Office of Petitions

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SAP / FINNEGAN, HENDERSON LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

Mail Date: 04/23/2010

Applicant	: Hans-Ulrich Von Helmolt	: DECISION ON REQUEST FOR
Patent Number	: 7610254	: RECALCULATION of PATENT
Issue Date	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/633,420	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/05/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **359** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 7/17/09

TO SPE OF : ART UNIT **2618 (2600)**

SUBJECT : Request for Certificate of Correction for Appl. No.: **11/633,510** Patent No.: **7,496,333**

Attn: Sonny Trinh

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (C of C)
South Tower - 9A22
Palm Location 7580

Ernest B. White, LIE
Certificates of Correction Branch
703-308-9390 ext.122

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- ☒ **Approved** — All changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments: The correction is approved. Thank you

/Duc Nguyen/ — **SPE**

2618 — **Art Unit**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/633,512	12/05/2006	Takahiro Fujita	ASA-1089-02	2295

86636 7590 09/24/2009
BRUNDIDGE & STANGER, P.C.
1700 DIAGONAL ROAD, SUITE 330
ALEXANDRIA, VA 22314

EXAMINER
PATEL, HETUL B

ART UNIT	PAPER NUMBER
2186	

MAIL DATE	DELIVERY MODE
09/24/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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TECHNOLOGY CENTER 2100

BRUNDIDGE & STANGER, P.C.
1700 DIAGONAL ROAD, SUITE 330
ALEXANDRIA VA 22314

In re Application of: TAKAHIRO et al.
Application No. 11/633,512
Attorney Docket No. ASA-1089-02
Filed: December 5, 2006
For: CENTRALIZED STORAGE MANAGEMENT METHOD

DECISION ON PETITION TO WITHDRAW THE FINALITY OF AN OFFICE ACTION

This is a decision on the petition filed on July 31, 2009, requesting withdrawal of the finality of Office action mailed June 8, 2009.

The petition is **DISMISSED**.

Applicable Prosecution History

December 5, 2006	Instant Application filed.
September 25, 2008	Non-Final Action (FAOM) mailed. Rejection contained Obviousness Type Double Patenting rejection of all pending claims 19-28 as being unpatentable over claim 1 of U.S. Patent No. 7,152,144 in view of Microsoft Windows 95 Operating System, hereinafter, Win95. Win95 reference was not provided to Applicants.
December 3, 2008	Applicants filed Terminal Disclaimer. Did not present any arguments regarding the non-availability of Win95 reference. Claim 24 was amended.
February 27, 2009	Non-Final action mailed. All pending claims 19-28 were rejected under 35 USC 103(a) as being unpatentable over Guenther et al. (USPN: 5,109,336) hereinafter, Guenther in view of Microsoft Windows 95 Operating System (Win95). Win95 reference was not provided to Applicants.
May 27, 2009	Response filed. Applicants provide arguments for the first time that the Win95 reference was not provided by examiner in the non-final mailed on February 27, 2009.

June 2, 2009 Applicants' representative contacted Examiner via telephone requesting a copy of the Win95 reference.

June 8, 2009 Final office action mailed. Examiner provided pages 382-388 of "Using Microsoft Windows 95", 2nd edition book as an evidentiary support for the features purported to be taught by Win 95 in the rejection mailed February 27, 2009.

July 23, 2009 Applicant filed After Final response requesting reconsideration of the Finality of the rejection mailed on June 8, 2009.

July 29, 2009 Advisory action mailed.

July 31, 2009 Instant Petition filed.

RELIEF REQUESTED

The instant petition filed under 37 CFR 1.181 requests the withdrawal of the finality of the office action mailed on June 8, 2009.

Petitioner is seeking review of the *prematureness* of the final rejection within the Final Office Action, respectfully requesting reconsideration of the finality of the Office Action for the reasons set forth below. See M.P.E.P. §706.07(c).

Petitioner argues that the reference, i.e. Win95, used in the rejection of all pending claims in the Non-Final rejection mailed on February 27, 2009, was not made available to Applicants by the Examiner, affecting Applicants' ability to amend the claims, and provide a proper response, since Applicants could not ascertain whether the scope given by the Examiner to Win95 was correct.

RULES AND PROCEDURE

37 CFR § 1.181 Petition to the Director.

(a) Petition may be taken to the Director:

(1) From any action or requirement of any examiner in the ex parte prosecution of an application, or in ex parte or inter partes prosecution of a reexamination proceeding which is not subject to appeal to the Board of Patent Appeals and Interferences or to the court;

.....

(b) Any such petition must contain a statement of the facts involved and the point or points to be reviewed and the action requested. Briefs or memoranda, if any, in support thereof should accompany or be embodied in the petition; and where facts are to be proven, the proof in the form of affidavits or declarations (and exhibits, if any) must accompany the petition.

(c) When a petition is taken from an action or requirement of an examiner in the ex

parte prosecution of an application, or in the ex parte or inter partes prosecution of a reexamination proceeding, it may be required that there have been a proper request for reconsideration (§ 1.111) and a repeated action by the examiner. The examiner may be directed by the Director to furnish a written statement, within a specified time, setting forth the reasons for his or her decision upon the matters averred in the petition, supplying a copy to the petitioner.

.....

(f) The mere filing of a petition will not stay any period for reply that may be running against the application, nor act as a stay of other proceedings. Any petition under this part not filed within two months of the mailing date of the action or notice from which relief is requested may be dismissed as untimely, except as otherwise provided. This two-month period is not extendable.

706.07(a) [R-6] Final Rejection, When Proper on Second Action

...

Under present practice, second or any subsequent actions on the merits shall be final, except where the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims, nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p).

710.06 [R-6] Situations When Reply Period Is Reset or Restarted

Where the citation of a reference is incorrect or an Office action contains some other error that affects applicant's ability to reply to the Office action and **this error is called to the attention of the Office within 1 month of the mail date of the action, the Office will restart the previously set period for reply to run from the date the error is corrected, if requested to do so by applicant. If the error is brought to the attention of the Office within the period for reply set in the Office action but more than 1 month after the date of the Office action, the Office will set a new period for reply, if requested to do so by the applicant, to substantially equal the time remaining in the reply period.** For example, if the error is brought to the attention of the Office 5 weeks after mailing the action, then the Office would set a new 2-month period for reply. The new period for reply must be at least 1 month and would run from the date the error is corrected. See MPEP § 707.05(g) for the manner of correcting the record where there has been an erroneous citation.

.....

If the error in citation or other defective Office action is called to the attention of the Office after the expiration of the period for reply, the period will not be restarted and any appropriate extension fee will be required to render a reply timely. The Office letter correcting the error will note that the time period for reply remains as set forth in the previous Office action.

REQUIREMENTS

A petition under 3 7 CFR § 1.181 must include: (1) a statement of facts involved and (2) the point or points to be reviewed and the action requested. Note, the mere filing of a petition will not stay any period for reply that may be running against the application, nor act as a stay of other proceedings. In addition § 1.181 (f) sets forth: any petition under this part not filed within two months of the mailing date of the action or notice from which relief is requested may be dismissed as untimely. Further, when a petition is taken from an action or requirement of an examiner in the ex parte prosecution of an application, ...it may be required that there have been a proper request for reconsideration (37 CFR § 1.111) and a repeated action by the Examiner.

The petition filed on July 31, 2009 includes elements (1) and (2) above, as well as a request for reconsideration.

DECISION

Petitioner contends that theWin95 reference that was used in the rejection of all pending claims (claims 19-28) in the Non-Final rejection that was mailed on February 27, 2009, was not provided to Applicants with the mailing of said rejection, thus curtailing Applicants ability to respond fully to said Non-Final rejection.

However, on a review of the prosecution history, it is noted that the Win95 reference was first used by examiner as a secondary reference in the Obviousness Type Double Patenting rejection mailed by Examiner on September 25, 2008. It is noted that the Win95 reference has been used to address the exact same limitations in exactly the same way in both the Obviousness Type Double patenting rejection in the action mailed on September 25, 2008, and the obviousness rejection under 35 USA 103(a) in the action mailed on February 27, 2009. Applicant never challenged the examiner regarding the non-availability of the Win95 reference in response to the first office action mailed on September 25, 2008. Instead, Applicants filed a Terminal Disclaimer to obviate the Double Patenting rejection. In fact, the first time the Applicants challenged the examiner, was on June 2, 2009, which is beyond the 3-month period for reply set in the non-final office action mailed on February 27, 2009.

For the above reasons, in accordance with MPEP 710.06 above, the petition is **DISMISSED.**

The application remains under final rejection with the time period for response continuing to run from the mailing of the Final Office action, June 8, 2009.

Any inquiry concerning this decision should be directed to Mano Padmanabhan whose telephone number is (571) 272-4210.

Nestor Ramirez, Director
Technology Center 2100
Computer Architecture, Software, and Information Security

NRR:mp

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/633,562	12/05/2006	Hyung-won Yoon	102-1323	2406

38209 7590 11/13/2009
STANZIONE & KIM, LLP
919 18TH STREET, N.W.
SUITE 440
WASHINGTON, DC 20006

EXAMINER
ROTH, LAURA K

ART UNIT	PAPER NUMBER
2852	

MAIL DATE	DELIVERY MODE
11/13/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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STANZIONE & KIM, LLP
919 18TH STREET, N.W.
SUITE 440
WASHINGTON, DC 20006
UNITED STATES

In re Application of	**: DECISION ON REQUEST TO**
Hyung-won YOON, et al.	**: PARTICIPATE IN THE PATENT**
Application No.: 11/633,562	**: PROSECUTION HIGHWAY**
Filed: 05 December 2006	**: PROGRAM AND PETITION**
Attorney Docket No.: 102-1323	**: TO MAKE SPECIAL UNDER**
For: TONER SUPPLYING APPARATUS AND METHOD OF SUPPLYING TONER	**: 37 CFR 1.102(d)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed 11 May 2009, to make the above-identified application special.

The request and petition are **DISMISSED**.

Discussion

A grantable request to participate in the PPH program and petition to make special require:

1. The U.S. application is

    a. a Paris Convention application which either
        i. validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the KIPO, or
        ii. validly claims priority under 35 U.S.C. 119(a)/365(a) to a PCT application that contains no priority claims,

    or

    b. a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application
        i. validly claims priority under 35 U.S.C. 365(b) to an application filed in the KIPO, or

ii. validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or
iii. contains no priority claim,

or

c. a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application
   i. validly claims priority under 35 U.S.C. 365(b) to an application filed in the KIPO, or
   ii. validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or
   iii. contains no priority claim;

2. Applicant must submit a copy of:
   a. The allowable/patentable claim(s) from the KR application(s);
   b. An English translation of the allowable/patentable claim(s), and
   c. A statement that the English translation is accurate (if the claims were published in a language other than English);
3. Applicant must:
   a. Ensure that all the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the KR application(s), and
   b. Submit a claims correspondence table in English;
4. Examination of the U.S. application has not begun;
5. Applicant must submit:
   a. A copy of all the office actions (which are relevant to patentability), excluding "Decision to Grant a Patent" from each of the KR application(s) containing the allowable/patentable claim(s);
   b. An English language translation of the KIPO office action; and
   c. A statement that the English translation is accurate (if the office actions are not in the English language);
6. Applicant must submit:
   a. An IDS listing the documents cited by the KIPO examiner in the KIPO office action (unless already filed in this application); and
   b. Copies of all the documents cited in the KIPO office action, except U.S. patents or U.S. patent application publications (unless already filed in this application);
7. A required petition fee under 37 CFR 1.17(h).

This request to participate in the PPH program and petition is assessed as follows:

Requirements 2, 4, and 7 above are considered to have been met.
However the request to participate in the PPH program fails to meet requirements 1, 3, 5, and 6.

Regarding requirement 1, the current application does validly claim priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the KIPO. However, Petitioner <u>has failed to identify the relationship between Korean Patent 10-864713 (which contains the allowed claims) and KR application 2006-68153 which priority is claimed in the instant U.S. application</u>.

Regarding requirement 3, Petitioner has NOT (i) amended the claims of the instant U.S. application to sufficiently correspond to the allowable/patentable claims of the Korean Patent No. 10-864713 (assuming that Korean Patent No. 10-864713 is was derived from KR application 2006-68153 which is claimed in the U.S. application), and (ii) provided an explanation as to how each of the claims of the instant U.S. application corresponds to each of the allowable/patentable claims of the above-mentioned Korean Patent. Claim 36 of the instant U.S. application recites "the projection is disposed below the rotation shaft" in lines 2-3 while claim 8 of the above-mentioned Korean Patent recites "the projection is disposed on a bottom surface of the toner tank below the rotation shaft" in lines 1-2 and the difference thereof differs in scope. Claim 51 of the instant U.S. application recites "an end portion" in line 2 while claim 23 of the above-mentioned Korean Patent recites "an end" in line 1 and the difference thereof differs in scope. Claim 52 of the instant U.S. application recites "a first agitating part and a second agitating part which are separable from each other" in lines 3-4 while claim 24 of the above-mentioned Korean Patent recites "a first agitating part and a second agitating part which are separated from each other" in lines 3-4 and the difference thereof differs in scope.

Regarding requirement 5, it is noted that a copy of an office action from KR application 2006-68153 has been submitted. However, the submitted allowable claims are not from KR application 2006-68153. It is not clear if there are any office actions from Korean Patent No. 10-864713 which need to be submitted or if Korean Patent No. 10-864713 was a first action grant.

Regarding requirement 6, Petitioner has failed (i) to include the reference JP-H18-119314, which was cited by the KIPO examiner, in the IDS, and (ii) to submit a copy of such reference.

Applicant is given ONE opportunity within a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Response must be filed via the Electronic Filing System (EFS) with the Document Code PPH.REQUEST. Any preliminary amendments and IDS submitted with the PPH documents must be separately indexed as a preliminary amendment and IDS, respectively.

Telephone inquiries concerning this decision should be directed to Lee W. Young at (571) 272-4549.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc.index.html.

Lee W. Young
TQAS
Technology Center 2800 – Semiconductors
Electrical & Optical Systems & Components

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/633,567	12/05/2006	Akira Yamamoto	P30736	2420

7055 7590 07/21/2010
GREENBLUM & BERNSTEIN, P.L.C.
1950 ROLAND CLARKE PLACE
RESTON, VA 20191

EXAMINER
RIDER, LANCE W

ART UNIT	PAPER NUMBER
1618	

NOTIFICATION DATE	DELIVERY MODE
07/21/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

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Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gbpatent@gbpatent.com
pto@gbpatent.com

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JUL 21 2010

GREENBLUM & BERNSTEIN, P.L.C.
1950 ROLAND CLARKE PLACE
RESTON VA 20191

In re Application of:	:
Yamamoto et al.	:
Serial No.: 11/633,567	: PETITION DECISION
Filed: December 5, 2006	:
Attorney Docket No.: **P30736**	:

This is in response to the petition under 37 CFR § 1.181, filed June 29, 2010, requesting that the finality of the Office action of May 25, 2010 be withdrawn as being premature.

BACKGROUND

The examiner mailed a non-final Office action on October 27, 2009 setting a three month statutory limit for reply. At the time of this non-final Office action, claims 1-14 were pending. The examiner rejected claims 1-14 under 35 USC 112, second paragraph, as indefinite. Claims 1-14 were rejected under 35 USC 103 (a) as being unpatentable over Maunoury et al. in view of Bell et al.

In reply to the non-final Office action of October 27, 2009, applicants filed a response on January 27, 2010. The response submitted by applicants included remarks, arguments traversing the rejections made in the non-final Office action and amendments to the claims.

On May 25, 2010, the examiner mailed a final Office action setting a three month statutory limit for reply. At the time of this final Office action, claims 1-17 were pending. Claims 1-14 were again rejected under 35 USC 103 (a) as being unpatentable over Maunoury et al. in view of Bell et al. Claims 8-14 and 17 were newly rejected under 35 USC 102 (b) as being anticipated by Hajjaj et al. Claims 1-17 were newly rejected under 35 USC 103 (a) as being unpatentable over Kiesslich et al. in view of Hajjaj et al. as evidenced by Blanc et al. Claims 1-14 and 16-17 were newly rejected under 35 USC 103 (a) as being unpatentable over Iishi in view of Hajjaj et al. as evidenced by Deitch et al.

In response thereto, applicants filed this petition on June 29, 2010, requesting that the finality of the Office action of May 25, 2010 be withdrawn.

DISCUSSION

The petition and the file history have been carefully considered.

In the petition filed by applicants on June 29, 2010, applicants request that the finality of the Office action of May 25, 2010 be withdrawn as being premature. Applicants argue "As the amendment of January 27, 2010 simply changed the claim to conform with the meaning the Examiner had expressly indicated he had already given the claim, the amendment could not have necessitated the new grounds of rejection.

As the Completion of Record filed May 17, 2010 only identified documents the Office had already cited against the claims, and further, because the final rejection maintained the earlier rejection over the same art, the Completion of Record could not have necessitated the new grounds of rejection."

Applicants' argument has been accorded careful consideration and is persuasive. Specifically, applicants' amendments did not necessitate the new rejection to claim 1. MPEP § 706.07 recites:

> Under present practice, second or any subsequent actions on the merits shall be final, except where the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p).

Thus, it is *not* proper for an office action to be made final when the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c).

DECISION

The petition is **GRANTED.**

The Office action mailed May 25, 2010 is hereby vacated to the extent that it was made "final" and the Office action is now considered to be a non-final Office action.

Should there be any questions about this decision please contact Marianne C. Seidel, by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 703-872-9306.

George C. Elliott

George Elliott
Director, Technology Center 1600

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/633,573	12/05/2006	Ju-seong Hwang	52720	3474

7590 03/06/2009
ROYLANCE, ABRAMS, BERDO & GOODMAN, L.L.P.
1300 19TH STREET, N.W.
SUITE 600
WASHINGTON,, DC 20036

EXAMINER
LEE, DIANE I

ART UNIT	PAPER NUMBER
2851	

MAIL DATE	DELIVERY MODE
03/06/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

Repln. Ref: 03/06/2009 BPOWELL 0012002600
DA#:182220 Name/Number:11633573
FC: 9204 $500.00 CR

Adjustment date: 03/06/2009 BPOWELL
12/05/2006 JRALINAN 00000063 11633573
02 FC:1111 -500.00 OP

FORM PET651G (Rev. 08/07)

Repln. Ref: 03/06/2009 BPOWELL 0012002600
DA#:182220 Name/Number:11633573
FC: 9204 $500.00 CR

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MCDERMOTT WILL & EMERY LLP
600 13TH STREET, N.W.
WASHINGTON DC 20005-3096

In re Application of	:	
Hidenobu et al	:	DECISION ON REQUEST TO
Application No. 11/633584	:	PARTICIPATE IN PATENT
Filed: December 5, 2006	:	PROSECUTION HIGHWAY
Attorney Docket No. 061352-0148	:	PILOT PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed February 2, 2007, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Ram R. Shukla at 571-272-0735.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Ram R. Shukla, Ph.D.
Supervisory Patent Examiner
TC 1600

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MCDERMOTT WILL & EMERY LLP
600 13TH STREET, N.W.
WASHINGTON DC 20005-3096

4.24.7

In re Application of	:	
Hidenobu et al	:	DECISION ON REQUEST TO
Application No. 11/633587	:	PARTICIPATE IN PATENT
Filed: December 5, 2006	:	PROSECUTION HIGHWAY
Attorney Docket No. 061352-0147	:	PILOT PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed February 2, 2007, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Ram R. Shukla at 571-272-0735.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Ram R. Shukla, Ph.D.
Supervisory Patent Examiner
TC 1600

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STERNE KESSLER GOLDSTEIN & FOX PLLC
1100 NEW YORK AVENUE NW
WASHINGTON DC 20005

COPY MAILED

JUN 05 2007

OFFICE OF PETITIONS

In re Application of	:	
Dale, et al.	:	DECISION REFUSING STATUS
Application No. 11/633,630	:	UNDER 37 CFR 1.47(a)
Filed: December 5, 2006	:	
Attorney Docket No. 1875.2840002	:	

This is in response to the petition under 37 CFR 1.47(a), filed February 28, 2007.

The petition under 37 CFR 1.47(a) is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." This is **not** a final agency decision within the meaning of 5 USC 704.

Petitioner has shown that inventors Dale and Hartman have refused to execute the declaration after having been mailed the application papers to their last known address.

However, petitioner did not submit the petition fee of $200 with the petition. An attempt was made to charge the fee to petitioner's deposit account, as authorized. However, the deposit account contained insufficient funds.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

By FAX: (571)273-8300
Attn: Office of Petitions

Telephone inquiries related to this decision may be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

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FEB 19 2008

OFFICE OF PETITIONS

STERNE KESSLER GOLDSTEIN & FOX PLLC
1100 NEW YORK AVENUE NW
WASHINGTON DC 20005

In re Application of	:	
Dale, et al.	:	DECISION ACCORDING STATUS
Application No. 11/633,630	:	UNDER 37 CFR 1.47(a)
Filed: December 5, 2006	:	
Attorney Docket No. 1875.2840002	:	

This is in response to the renewed petition under 37 CFR 1.47(a), filed June 26, 2007.

The petition under 37 CFR 1.47(a) is **GRANTED**.

Petitioner has shown that inventors Dale and Hartman have refused to execute the declaration after having been mailed the application papers to their last known address.

The above-identified application and papers have been reviewed and found to be in compliance with 37 CFR 1.47(a). Accordingly, the above-identified application is hereby accorded Rule 1.47(a) status. As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the last known address provided on the declaration. Notice of the filing of this application will also be published in the Official Gazette.

The matter is being forwarded to Group Art Unit 2616 for docketing and examination in due course.

Telephone inquiries related to this decision may be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DAVID HARTMAN
26861 ANADALE DR
LAGUNA HILLS CA 92653

In re Application of Mark Dale, David Hartman, Dorothy Lin, Rocco Bescia, Alan Gin, Ravi Bhaskaran, Jen-Chieh Chien, Adel Fanous Application No. 11/633,630 Filed: December 5, 2006 Title: Explicit Congestion Notification for DOCSIS Based Broadband Communication Systems	LETTER

Dear Mr. Hartman:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 USC 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a joint inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, agent of record would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Cliff Congo at (571)272-3207. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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MARK DALE
26962 WILLOW TREE LN
LAGUNA HILLS CA 92653

In re Application of :
Mark Dale, David Hartman, Dorothy Lin, :
Rocco Bescia, Alan Gin, Ravi :
Bhaskaran, Jen-Chieh Chien, Adel :
Fanous : LETTER
Application No. 11/633,630 :
Filed: December 5, 2006 :
Title: Explicit Congestion
Notification for DOCSIS Based
Broadband Communication Systems

Dear Mr. Dale:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 USC 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a joint inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, agent of record would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Cliff Congo at (571)272-3207. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Cliff Congo
Petitions Attorney
Office of Petitions

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DENNISON, SCHULTZ & MACDONALD
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1727 KING STREET
ALEXANDRIA, VA 22314-2700

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JUL 18 2007
OFFICE OF PETITIONS

In re Application of :
Philippe Lequeu :
Application No. 11/633,640 : DECISION ON PETITION
Filed: December 5, 2006 :
Attorney Docket No. 06149 :

This is a decision on the petition filed on March 7, 2007, requesting that the application be accorded a filing date of December 5, 2006, with Figure 4 as part of the original disclosure.

On December 5, 2006, applicant filed the above-identified application. On January 19, 2007, the Office of Initial Patent Examination mailed a Notice to File Missing Parts in Nonprovisional Application, stating, inter alia, that the application had been accorded a filing date of December 5, 2006, and advising applicant that Figure 4 appeared to have been omitted.

On March 7, 2007, applicant submitted, inter alia, the present petition, one drawing sheet of Figure 4, and the petition fee. Additionally, applicant submitted a copy of applicant's returned, date-stamped postcard receipt acknowledging receipt of 7 sheets of drawings in the USPTO on December 5, 2006.

Upon review of the record, Figure 4, deposited on December 5, 2006, has not been located among the application papers. However, the evidence is convincing that the application papers deposited on December 5, 2006, included Figure 4, which was subsequently misplaced in the USPTO. Therefore, the application, including Figure 4, was complete on filing and will be granted a filing date of December 5, 2006.

Accordingly, the petition is **granted**.

The requirement for the omitted figure was sent in error and is hereby withdrawn. Accordingly, no petition fee is necessary. The $400.00 petition fee will be refunded to the Deposit Account.

The Office of Initial Patent Examination is directed **to accord the above-identified application a filing date of December 5, 2006,** using the six sheets of drawings submitted on that date, and Figure 4 submitted with the petition on March 7, 2007, as part of the original disclosure.

Any inquiries related to this decision should be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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JACOBSON HOLMAN PLLC
400 SEVENTH STREET N.W.
SUITE 600
WASHINGTON, DC 20004

Mail Date: 04/21/2010

Applicant	: Barry McGrane	: DECISION ON REQUEST FOR
Patent Number	: 7632054	: RECALCULATION of PATENT
Issue Date	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/633,645	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/05/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **349** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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IP PATENT DOCKETING
K&L GATES LLP
599 LEXINGTON AVENUE, 33RD FLOOR
NEW YORK, NY 10022-6030

MAILED

FEB 17 2009

OFFICE OF PETITIONS

In re Application of	:	
Ewa HERBST	:	
Application No. 11/633,659	:	DECISION ON PETITION
Filed: December 4, 2006	:	
Attorney Docket No. 0813825.12303	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 29, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely pay the issue fee on or before October 3, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed July 3, 2008, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on October 4, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $755; (2) the petition fee of $810; and (3) the required statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Diane Goodwyn at (571) 272-6735.

The application is being referred to the Office of Data Management for processing into a patent.

Thurman Page
Petitions Examiner
Office of Petitions

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Commissioner for Patents
United States Patent and Trademark Office
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TAFT, STETTINIUS & HOLLISTER LLP
SUITE 1800
425 WALNUT STREET
CINCINNATI, OH 45202-3957

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MAY 04 2007

OFFICE OF PETITIONS

In re Application of :
Jason David Solomon :
Application No. 11/633,664 : DECISION REFUSING STATUS
Filed: December 4, 2006 : UNDER 37 CFR 1.47(b)
Attorney Docket No. RB045-GN007 :
For: **SYSTEMS AND METHODS USING VACUUM-INDUCED MIXING WITH A VENTURI NOZZLE**

This is a decision on the petition under 37 CFR 1.47(b), filed March 5, 2007.

The petition under 37 CFR 1.47(b) is **dismissed.**

Any request for reconsideration under this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. Failure to respond will result in the abandonment of this application. Any response should be titled "Request for Reconsideration of Petition Under 37 CFR 1.47(b).

The above-identified application was filed on December 4, 2006, without an executed oath or declaration. Accordingly, a "Notice to File Missing Parts Nonprovisional Application" (the "Notice") was mailed on December 27, 2006, requiring an executed oath or declaration and a surcharge for the late filing of the oath or declaration. The instant petition was filed on March 5, 2007, responsively (certificate of mailing dated March 1, 2007).

A grantable petition under 37 CFR 1.47(b) requires:

(1) proof that the non-signing inventor(s) cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims, and drawings);

(2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;

(3) the petition fee,

(4) a statement of the last known address of the non-signing inventor,

(5) proof of proprietary interest, and

(6) a showing (statement) that such action is necessary to preserve the rights of the parties or to prevent irreparable damage.

The instant petition lacks item (2) as set forth above.

As to item (2), petitioner failed to file a proper oath or declaration with the instant petition as required by 37 CFR 1.47. Section 409.03 (b) of the MPEP states, in pertinent part, that:

> [t]he 37 CFR 1.47(b) applicant must make the oath required by 37 CFR 1.63 and 1.54 or 1.175. Where a corporation is the 37 CFR 1.47(b) applicant, an officer (President, Vice-President, Secretary, Treasurer, or Chief Executive Officer) thereof should normally sign the necessary oath or declaration. A corporation may authorize any person including an attorney or agent authorized to practice before the U.S. Patent and Trademark Office, to sign the application oath or declaration on its behalf. Where an oath or declaration is signed by a registered attorney or agent on behalf of a corporation, either proof of the attorney's or agent's authority in the form of a statement signed by an appropriate corporate officer must be submitted, or the attorney or agent my simply state that he or she is authorized to sign on behalf of the corporation.

A review of the application file did not reveal an executed oath or declaration for the subject application. With any renewed petition filed, petitioner must file a declaration that conforms to the MPEP section cited above.

Further as to item (2), a declaration signed by the assignee cannot be accepted until the assignee demonstrates that it has the power to prosecute the application. Section 409.03(b) of the *Manual of Patent Examining Procedure* provides, in pertinent part, that, "[w]here the oath or declaration is being

signed on behalf of an assignee, see MPEP 324." Section 324 of the *Manual of Patent Examining Procedure* cites 37 CFR 3.71(c) which states that, "[a]n assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee." Petitioner should note that 37 CFR 3.73 requires that before an assignee can take action in a patent matter, the assignee must establish ownership of the patent property in accordance with 37 CFR 3.73(b)(1)(i) or (ii). No statement or certificate meeting the requirements of 37 CFR 3.73 was found with the petition. Petitioner must properly establish ownership of the patent property before the assignee will be granted authority under 37 CFR 1.47(b) to prosecute the application. Enclosed is a "Statement Under 37 CFR 3.73(b)" that petitioner may use to satisfy this requirement.

The petition fee of $200.00 will be charged to deposit account 50-3072.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

Enclosure: Form PTO/SB/96

PTO/SB/96 (04-07)
Approved for use through 09/30/2007. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: _____

Application No./Patent No.: _____ Filed/Issue Date: _____

Entitled:

_____, a _____
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☐ the assignee of the entire right, title, and interest; or

2. ☐ an assignee of less than the entire right, title and interest
(The extent (by percentage) of its ownership interest is _____%)

in the patent application/patent identified above by virtue of either:

A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

2. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

3. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☐ As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (*i.e.,* a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Signature	Date
Printed or Typed Name	Telephone Number
Title	

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

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TAFT, STETTINIUS & HOLLISTER LLP
SUITE 1800
425 WALNUT STREET
CINCINNATI, OH 45202-3957

In re Application of :
Jason David Solomon :
Application No. 11/633,664 : DECISION REFUSING STATUS
Filed: December 4, 2006 : UNDER 37 CFR 1.47(b)
Attorney Docket No. RB045-GN007 :
For: **SYSTEMS AND METHODS USING VACUUM-INDUCED MIXING WITH A VENTURI NOZZLE**

This is a decision on the renewed petition under 37 CFR 1.47(b), filed August 17, 2007.

The renewed petition under 37 CFR 1.47(b) is **dismissed.**

Any request for reconsideration under this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. Failure to respond will result in the abandonment of this application. Any response should be titled "Request for Reconsideration of Petition Under 37 CFR 1.47(b).

The above-identified application was filed on December 4, 2006, without an executed oath or declaration. Accordingly, a "Notice to File Missing Parts Nonprovisional Application" (the "Notice") was mailed on December 27, 2006, requiring an executed oath or declaration and a surcharge for the late filing of the oath or declaration. A petition under 37 CFR 1.47(b) was filed on March 5, 2007, responsively (certificate of mailing dated March 1, 2007). The petition was dismissed by a decision mailed May 4, 2007.

A grantable petition under 37 CFR 1.47(b) requires:

(1) proof that the non-signing inventor(s) cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims, and drawings);

(2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;

(3) the petition fee,

(4) a statement of the last known address of the non-signing inventor,

(5) proof of proprietary interest, and

(6) a showing (statement) that such action is necessary to preserve the rights of the parties or to prevent irreparable damage.

The instant petition lacks item (2) as set forth above.

As to item (2), Section 409.03 of the *Manual of Patent Examining Procedure* (MPEP) provides, in pertinent part, that:

> (A) All the available joint inventors must (1) make oath or declaration on their own behalf as required by 37 CFR 1.63 or 1.175 (see MPEP § 602 § 605.01, and § 1414) and (2) make oath or declaration on behalf of the nonsigning inventor as required by 37 CFR 1.64. An oath or declaration signed by all of the available joint inventors with the signature block of the nonsigning inventor(s) left blank may be treated as having been signed by all the available joint inventors on behalf of the nonsigning inventor(s), unless otherwise indicated.

It is noted that instant petition is filed under 37 CFR 1.47(b) because the sole inventor is refusing to join the prosecution of the application, but the above-cited section of the MPEP speaks to a petition filed under 37 CFR 1.47(a). Yet, the section of the MPEP cited above demonstrates the form that the oath or declaration should assume. The declaration should contain, in one document, a blank signature block for the non-signing inventor and an executed signature block for the authorized representative of the assignee. It is not necessary for the petitioner to resubmit the documents filed August 17, 2007. Petitioner need only file a declaration that comports with the aforementioned guidelines.

The certificate of under 37 CFR 3.73(b) filed August 17, 2007, is noted.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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425 WALNUT STREET
CINCINNATI, OH 45202-3957

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OFFICE OF PETITIONS

In re Application of :
Jason David Solomon :
Application No: 11/633,664 : DECISION ACCORDING STATUS
Filed: December 4, 2006 : UNDER 37 CFR 1.47(b)
Attorney Docket No. RB045-GN007 :
For: **SYSTEMS AND METHODS USING VACUUM-INDUCED MIXING WITH A VENTURI NOZZLE**

This is a decision on the second renewed petition under 37 CFR 1.47(b), filed March 2, 2009 (certificate of mailing dated February 26, 2009).

The second renewed petition under 37 CFR 1.47(b) is **granted.**

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(b). This application is hereby accorded Rule 1.47(b) status.

The above-identified application was filed on December 4, 2006, without an executed oath or declaration. Accordingly, a "Notice to File Missing Parts Nonprovisional Application" (the "Notice") was mailed on December 27, 2006, requiring an executed oath or declaration and a surcharge for the late filing of the oath or declaration. A petition under 37 CFR 1.47(b) was filed on March 5, 2007, responsively (certificate of mailing dated March 1, 2007). The petition was dismissed by a decision mailed May 4, 2007. A renewed petition was filed August 17, 2007, and dismissed by a decision mailed September 29, 2008. The second renewed petition was filed on March 2, 2009, with a request for an extension of time within the third month.

By the instant petition and evidentiary documents, petitioner has established that the sole inventor has refused to join the prosecution of the application and that the 37 CFR 1.47(b) applicant has sufficient proprietary interest to proceed with prosecution of the application without the sole inventor.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The application file will be directed to the Office of Patent Application Processing for further review.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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GOODWIN PROCTER LLP
PATENT ADMINISTRATOR
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EXCHANGE PLACE
BOSTON, MA 02109-2881

Mail Date: 04/20/2010

Applicant	: Glen A. Slack	: DECISION ON REQUEST FOR
Patent Number	: 7641735	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/633,667	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/04/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **228** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

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ABB INC.
LEGAL DEPARTMENT-4U6
29801 EUCLID AVENUE
WICKLIFFE, OH 44092

Mail Date: 04/21/2010

Applicant	: Edgar R. Eley	: DECISION ON REQUEST FOR
Patent Number	: 7649433	: RECALCULATION of PATENT
Issue Date	: 01/19/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/633,676	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/04/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **119** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

Mail Date: 04/21/2010

Applicant	: Satoshi Mizutani	: DECISION ON REQUEST FOR
Patent Number	: 7654099	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/633,680	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/04/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **440** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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CR MILES, P.C.
CRAIG R. MILES
405 MASON COURT, SUITE 119
FORT COLLINS CO 80524

MAILED

JUL 13 2009

OFFICE OF PETITIONS

In re Application of	:	
Charles E. Lanter	:	
Application No. 11/633,699	:	DECISION ON PETITION
Filed: December 4, 2006	:	TO WITHDRAW
Attorney Docket No. LanterUSHOA	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 15, 2009.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration of the maximum time period which can be extended under 37 C.F.R. § 1.36(a).

The request cannot be approved because Item 3 on PTO/SB/83 (Request to Withdrawn as Attorney or Agent) was not checked. The Office cannot, at this time, determine whether practitioner will notify the client of any outstanding response(s) that may be due.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Cheryl Gibson-Baylor at (571) 272-3213.

Brian W. Brown
Petitions Examiner
Office of Petitions

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CRAIG R. MILES
405 MASON COURT, SUITE 119
FORT COLLINS CO 80524

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JUL 27 2009

OFFICE OF PETITIONS

In re Application of	
Charles E. Lanter	
Application No. 11/633,699	DECISION ON PETITION
Filed: December 4, 2006	TO WITHDRAW
Attorney Docket No. LanterUSHOA	FROM RECORD

CORRECTED DECISION

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 15, 2009 and July 10, 2009.

The request is **APPROVED** and the decision mailed on July 13, 2009 is hereby vacated.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration of the maximum time period which can be extended under 37 C.F.R. § 1.36(a).

The request was signed by Craig Miles on behalf of all attorneys of record who are associated with Customer No. 39208.

All attorneys/agents associated with the Customer No. 39208 have been withdrawn.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

There is an outstanding Office action mailed July 2, 2009 that requires a reply from applicant.

Telephone inquiries concerning this decision should be directed to Cheryl Gibson-Baylor at (571) 272-3213.

Brian W. Brown
Petitions Examiner
Office of Petitions

cc: Jeri Schwab
1001 A E Harmony #357
Fort Collins, CO 80525

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/633,699	12/04/2006	Charles E. Lanter	LanterUSHOA

CONFIRMATION NO. 2987

POWER OF ATTORNEY NOTICE

OC000000036846292

39208
CR MILES, P.C.
CRAIG R. MILES
405 MASON COURT, SUITE 119
FORT COLLINS, CO 80524

Date Mailed: 07/09/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/15/2009.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/cpgibson baylor/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/633,699	12/04/2006	Charles E. Lanter	LanterUSHOA

CONFIRMATION NO. 2987

POWER OF ATTORNEY NOTICE

39208
CR MILES, P.C.
CRAIG R. MILES
405 MASON COURT, SUITE 119
FORT COLLINS, CO 80524

OC000000036846155

Date Mailed: 07/09/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/27/2009.

- The Power of Attorney to you in this application has been revoked by the assignee who has intervened as provided by 37 CFR 3.71. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

/cpgibson baylor/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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LANTER & ASSOIATES, LLC
5315 COUNTRY SQUIRE WAY
FORT COLLINS CO 80528

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JUL 19 2010

OFFICE OF PETITIONS

In re Application of	:	
Lanter, Charles E.	:	DECISION REFUSING STATUS
Application No. 11/633,699	:	UNDER 37 CFR 1.47(b)
Filed: December 4, 2006	:	
Attorney Docket No. LanterUSHOA	:	

This is in response to the "Petition Under 37 CFR 1.47(b), filed December 31, 2009.

The petition is **DISMISSED**.

The instant application is currently abandoned, however, a decision of the petition under 37 CFR 1.47(b) follows.

A grantable petition under 37 CFR 1.47(b) requires:

(1) proof that the non-signing inventor cannot be reached after diligent effort or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);
(2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;
(3) the petition fee;
(4) a statement of the last known address of the non-signing inventor.
(5) proof of proprietary interest: and
(6) proof of irreparable damage.

Applicant lacks item (2), (4), (5) and (6) as set forth above.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Telephone inquiries should be directed to Petitions Examiner Liana Walsh at (571) 272-3206.

/dab/
David Bucci
Petitions Examiner
Office of Petitions

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DORSEY & WHITNEY LLP
INTELLECTUAL PROPERTY DEPARTMENT
SUITE 1500
50 SOUTH SIXTH STREET
MINNEAPOLIS MN 55402-1498

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JAN 3 0 2009

OFFICE OF PETITIONS

In re Application of
Daniel William Moffatt
Application No. 11/633,730
Filed: December 5, 2006
Attorney Docket No. 188742/US/2

ON PETITION

This is a decision on the petition, filed November 17, 2008, under 37 CFR 1.137(b) to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely pay the issue and publication fees on or before October 1, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed July 1, 2008, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on October 2, 2008. A Notice of Abandonment was mailed on October 24, 2008. In response, on November 17, 2008 the present petition was filed.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the $755 issue fee and the $300 publication fee; (2) the petition fee of $810; and (3) an adequate statement of unintentional delay[1].

The application is being referred to the Office of Data Management to be processed into a patent.

Telephone inquires related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to processing as a patent should be directed to (571) 272-4200.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

[1] 37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. While it is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

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DORSEY & WHITNEY LLP
INTELLECTUAL PROPERTY DEPARTMENT
SUITE 1500
50 SOUTH SIXTH STREET
MINNEAPOLIS MN 55402-1498

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FEB 11 2009

OFFICE OF PETITIONS

In re Application of	:	
Daniel William Moffatt	:	
Application No. 11/633,730	:	DECISION GRANTING PETITION
Filed: December 5, 2006	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 188742/US/2	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed February 10, 2009, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on November 17, 2008 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 2837 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS.

/Karen Creasy/
Karen Creasy
Petitions Examiner
Office of Petitions

---

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

UNITED STATES PATENT AND TRADEMARK OFFICE

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MICHAEL J. BUCHENHORNER
8540 S.W. 83 STREET
MIAMI, FL 33143

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APR 11 2008

OFFICE OF PETITIONS

In re Application of :
Jason August et al :
Application No. 11/633,751 : ON PETITION
Filed: December 4, 2006 :
Attorney Docket No. VAI20060008 :

This is a decision on the petition under 37 CFR 1.137(b), filed November 15, 2007, to revive the above-identified application.

The petition is GRANTED.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Missing Requirements (Notice) mailed December 27, 2006. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extension of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on February 28, 2007.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to the Initial Patent Examination Unit.

Irvin Dingle
Petitions Examiner
Office of Petitions

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Commissioner for Patents
United States Patent and Trademark Office
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MAR 23 2010

OFFICE OF PETITIONS

MICHAEL J. BUCHENHORNER
8540 W.W. 83 STREET
MIAMI FL 33143

In re Application of	:	
Jason AUGUST, et al	:	
Application No. 11/633,751	:	DECISION ON PETITION
Filed: December 4, 2006	:	TO WITHDRAW
Attorney Docket No. VAI20060008	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) filed January 12, 2010.

The request is **NOT APPROVED**.

The Office will no longer approve requests from practitioners to withdraw from applications where the requesting practitioner is acting, or has acted, in a representative capacity pursuant to 37 CFR 1.34. In these situations, the practitioner is responsible for the correspondence the practitioner files in the application while acting in a representative capacity. As such, there is no need for the practitioner to obtain the Office's permission to withdraw from representation. However, practitioners acting in a representative capacity, like practitioners who have a power of attorney in the application, remain responsible for noncompliance with 37 CFR 1.56, as well as 37 CFR 10.18, with respect to documents they file.

A review of the file record indicates that Michael J. Buchenhorner does not have power of attorney in this patent application. See 37 C.F.R. § 10.40. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

All future communications from the Office will continue to be directed to the above-identified address until otherwise properly notified by the applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-6735.

/Diane Goodwyn/
Diane Goodwyn
Petitions Examiner
Office of Petitions

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/633,759	12/04/2006	Sunkwang Hong	AB-2181 US	4193

7590 04/10/2009

Haynes and Boone, LLP
IP Section
2323 Victory Avenue
SUITE 700
Dallas, TX 75219

EXAMINER
SHALWALA, BIPIN H

ART UNIT	PAPER NUMBER
2629	

MAIL DATE	DELIVERY MODE
04/10/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Nioni Farmer

Patent Publication Branch
Office of Data Management

Adjustment date: 04/10/2009 NFARMER
12/07/2006 CNGUYEN2 00000021 502257 11633759
02 FC:1111 500.00 CR

FORM PET651G (Rev. 08/07)

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OFFICE OF PETITIONS

Dilworth Paxon, LLP
1500 Market Street
Suite 3500 E.
Philadelphia, PA 19102

In re Application of	:	
Francis Vaughn et al.	:	
Application No. 11/633,764	:	DECISION ON PETITION
Filed: December 4, 2006	:	
Attorney Docket No. 05-1142US	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 1, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to file a proper reply in a timely manner to the non-final Office action mailed August 18, 2008, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on November 19, 2008. A Notice of Abandonment was mailed on March 18, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment after non-final, (2) the petition fee of $810, and (3) a proper statement of unintentional delay. Accordingly, the amendment is accepted as being unintentionally delayed.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. *See* In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the $555 extension of time fee submitted with the petition on May 1, 2009 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's credit card.

This application is being referred to Technology Center AU 3643 for appropriate action by the Examiner in the normal course of business on the reply received May 1, 2009.

Carl Friedman
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

L. ZALE PATENT LAW OFFICES
334 SOUTH FRANKLIN STREET
WILKES-BARRE, PA 18702

In re Application of :
BENTLEY, Carl M. :
Application No. 11/633,765 :
Filed: December 4, 2006 :
Attorney Docket No. **W-01092 H-WARE ID** :

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 13, 2007.

The request is **NOT APPROVED.**

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The Office cannot approve the request at this time since the reasons provided do not meet any of the conditions under the mandatory or permissive categories enumerated in 37 CFR 10.40. Section 10.40 of Title 37 of the Code of Federal Regulation states, "[a] practitioner shall not withdraw from employment in a proceeding before the Office without permission from the Office[.]" More specifically, 37 CFR 10.40 states, "[i]f paragraph (b) of this section is not applicable, a practitioner may not request permission to withdraw in matter pending before the Office unless such request or such withdrawal is" for one the permissive reasons listed in 37 CFR 10.40(c). The reason set forth in the request, "the client will use another attorney", does not meet any of the conditions set forth in 37 CFR 10.40.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7253.

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **JOSEPH IACONO**
309 EAST 49TH STREET, APT 3C
NEW YORK, NY 10017

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JUL 30 2008

HOFFMANN & BARON LLP
6900 JERICHO TURNPIKE
SYOSSET NY 11791

In re Application of	:	
Roger Pyron	:	
Application No. 11/633,832	:	ON PETITION
Filed: December 5, 2006	:	
Attorney Docket No. 577-664 CON	:	

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed July 8, 2008.

The petition is **GRANTED**.

This application was held abandoned for failure to timely file a response to the non-final Office action mailed November 16, 2007. This Office action set an extendable period for reply of three (3) months. No reply having been received, the application became abandoned on February 17, 2008. A Notice of Abandonment was mailed on June 4, 2008.

Petitioner contends that he did timely file a reply. In support, petitioner has included a copy of a USPTO date stamped receipt for the above application, dated January 30, 2008, and itemizing an Amendment.

A postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the Office of all items listed thereon on the date stamped thereon by the Office. See MPEP 503.

In view thereof, **THE HOLDING OF ABANDONMENT IS WITHDRAWN.**

The application is being forwarded to Group Art Unit 2831 for consideration of the Amendment filed January 30, 2008 (copy supplied with the instant petition).

Telephone inquiries regarding this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

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SAWYER LAW GROUP LLP
PO BOX 51418
PALO ALTO, CA 94303

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FEB 20 2008

OFFICE OF PETITIONS

In re Application of	:	
Darwin Gene ENICKS	:	
Application No. 11/633,839	:	DECISION ON PETITION
Filed: December 5, 2006	:	TO WITHDRAW
Attorney Docket No. 4016P		FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 29, 2008.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request cannot be approved because the attorneys of record were not appointed by customer number.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

There are no outstanding Office actions pending at the present time.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6735.

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: SCHWEGMAN, LUNDBERG
WOESSNER/ATMEL
P.O. BOX 2938
MINNEAPOLIS, MN 55402

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BECEEM COMMUNICATIONS INC.
1ST FLOOR
3960 FREEDOM CIRCLE
SANTA CLARA CA 95054

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AUG 1 5 2007
OFFICE OF PETITIONS

In re Application of	:	
Dave Garrett et al	:	
Application No. 11/633,840	:	DECISION DISMISSING
Filed: December 5, 2006	:	PETITION
Attorney Docket No. BCM56U	:	

This is a decision on the petition under 37 CFR 1.10(d), filed February 9, 2007, requesting that the above-identified application be accorded a filing date of December 4, 2006, rather than the presently accorded date of December 5, 2006.

The petition is **DISMISSED**.

Any request for reconsideration of this decision should be filed within **TWO MONTHS** of the date of this decision in order to be considered timely (see 37 CFR 1.181(f)). No extensions of time pursuant to the provisions of 37 CFR 1.136 are permitted. If reconsideration is not requested within the time period specified above, this application will be referred to the Office of Initial Patent Examination with the presently accorded filing date of December 5, 2006.

Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that the "date-in" on the "Express Mail" mailing label or other official notation entered by the USPS was incorrectly entered or omitted by the USPS, may petition the Director to accord the correspondence a filing date as of the date the correspondence is shown to have been deposited with the USPS.

The showing under 37 CFR 1.10(d) must be corroborated by (1) evidence from the USPS, or (2) evidence that came into being after deposit and within one business day of the deposit of the correspondence as "Express Mail." Evidence from the USPS may be the "Express Mail" Corporate Account Mailing Statement. Due to the questionable reliability of evidence from a party other than the USPS that did not come into being contemporaneously with the deposit of the correspondence with the USPS, 37 CFR 1.10(d) specifically requires that any petition under 37 CFR 1.10(d) **be corroborated either by evidence from the USPS, or by evidence that came into being after deposit and within one business day after the deposit of the**

correspondence as "Express Mail." Evidence that came into being within one day after the deposit of the correspondence as "Express Mail" may be in the form of a log book which contains information such as the "Express Mail" number; the application number, attorney docket number or other such file identification number; the place, date and time of deposit; the time of the last scheduled pick up for that date and place of deposit; the depositor's initials or signature; and the date and time of entry in the log. Conversely, evidence created prior to the deposit of the correspondence as "Express Mail" with the USPS (e.g., an application transmittal cover letter, or a client letter prepared prior to the deposit of the correspondence); or created more than one business day after the deposit of the correspondence as "Express Mail" (e.g., an affidavit or declaration prepared more than one business day after the correspondence was deposited with the USPS as "Express Mail") cannot be accepted under the terms of the rule.

Petitioner requests the earlier filing date on the basis that the application was purportedly deposited in Express Mail service on December 4, 2006, pursuant to the requirements of 37 CFR 1.10. The petition is accompanied by the following: Copy of the Express Mail label; Copy of Certificate of Express Mail under 37 CFR 1.10; Copy of the first page of the specification as filed; Copy of the USPS tracking information and a copy of the corporate database information.

A grantable petition under 37 CFR 1.10(d) must include:

> (1) The filing of a petition promptly after the person becomes aware that the Office has accorded, or will accord, a filing date based upon an incorrect entry by the USPS;
>
> (2) The placement of the "Express Mail" number on the mailing label of the paper(s) or fee(s) that constitutes the correspondence prior to the original mailing by "Express Mail"; and
>
> (3) A showing which establishes, to the satisfaction of the Director, that the requested filing date was the date the correspondence was deposited in the "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day. Any showing pursuant to this paragraph must be corroborated by evidence from the USPS or that came into being after deposit and within one business day of the deposit of the correspondence in the "Express Mail Post Office to Addressee" service of the USPS.

The petition lacks item (3). Petitioner has not submitted the corroborating evidence required to establish that the Express Mail package at issue was in fact entrusted to a USPS employee on December 4, 2006. In this regard, the petition was not accompanied by evidence from the USPS, nor has petitioner supplied evidence that came into being after deposit and within one business day after the deposit of the correspondence as "Express Mail;" e.g., a mail log, containing such information as the Express Mail

number, which was placed on the application papers prior to mailing; the application number, attorney docket number or other such file identification number; the place, date and time of deposit; the time of the last scheduled pick up for that date and place of deposit; the depositor's initials or signature; and the date and time of entry in the log. Absent the necessary evidence to corroborate the assertion that the Express Mail package for this application was entrusted to the USPS on December 4, 2006, the petition cannot be granted.

The reason the Office considers correspondence to have been filed as of the date of deposit as "Express Mail" is that this date has been verified by a disinterested USPS employee, through the insertion of a "date in," or other official USPS notation, on the "Express Mail" mailing label. Note that the correspondence must be entrusted either to a postal service employee or an Express Mail drop box for the correspondence to have been deposited as Express Mail Post Office to Addressee service of the USPS within the meaning of 37 CFR 1.10(d). *See* Nitto Chemical Industry Co. Ltd. v. Comer, 39 USPQ 1778, 1781-82 (D.D.C. 1994).

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By facsimile: (571) 273-8300
Attn: Office of Petitions

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Correspondence regarding this decision may also be filed through the electronic filing system of the USPTO.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3208.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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NOV 05 2007

OFFICE OF PETITIONS

DENNIS W. BEECH
(LAW OFFICE OF DENNIS W. BEECH)
P.O. BOX 519
MURRIETA, CA 92564-0519

In re Application of	:	
William Shawn Collier	:	
Application No. 11/633,841	:	DECISION ON PETITION
Filed: December 5, 2006	:	TO WITHDRAW
Attorney Docket No.	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b) filed September 17, 2007.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request cannot be approved because no reasons for withdrawal have been provided. The Office cannot, at this time, determine whether practitioner's request is one of the mandatory or permissive reasons enumerated in 37 CFR 10.40. Any subsequent requests must include reasons for withdrawal. Please note that there is a space provided for on PTO/SB/83 (Request to Withdraw as Attorney or Agent) to supply practitioner's reasons.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

April M. Wise
April M. Wise
Petitions Examiner
Office of Petitions

cc: WILLIAM SHAWN COLLIER
5821 AUBURN OAKS DRIVE
APT A
BAKERSIFELD, CA 93306

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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OFFICE OF PETITIONS

DENNIS W. BEECH
(LAW OFFICE OF DENNIS W. BEECH)
P.O. BOX 519
MURRIETA, CA 92564-0519

In re Application of	:	
William Shawn Collier	:	
Application No. 11/633,841	:	DECISION ON PETITION
Filed: December 5, 2006	:	TO WITHDRAW
Attorney Docket No.	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b) filed June 22, 2007.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request cannot be approved because attorney was not appointed by customer number.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

April M. Wise
Petitions Examiner
Office of Petitions

cc: WILLIAM SHAWN COLLIER
5821 AUBURN OAKS DRIVE
APT A
BAKERSIFELD, CA 93306

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

WILLIAM SHAWN COLLIER
P.O. BOX 98
SPRAGUE RIVER, OR 97639

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OCT 01 2008

OFFICE OF PETITIONS

In re Application of
William Shawn COLLIER
Application No. 11/633,841
Filed: December 5, 2006
Attorney Docket No.

ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 27, 2008, to revive the above-identified application.

The petition is **DISMISSED**.

The application became abandoned for failure to reply in a timely manner to the Office action under Ex parte Quayle, 1935 Dec. Comm'r Pat. 11 (1935), mailed September 17, 2007, which set a shortened statutory period for reply of two (2) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on November 18, 2007.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s)1 and 2.

With respect to item 1: No reply to the Office action dated September 17, 2007 has been received.

With respect to item 2: A review of the record shows that the petition in the above-identified application was accompanied by a payment of $25 for the petition to revive under the unintentional standards. As of September 30, 2007 a new fee schedule was posted and new fees should have been applied to any petition filed after the date listed above. The instant petition lacks a complete petition fee payment and an additional $745 is due to complete the required petition fee. No consideration on the merits can be given until the required fee deficiency is remitted

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300.**

Telephone inquiries concerning this decision should be directed to the Diane Goodwyn at (571) 272-6735.

Thurman Page
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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WILLIAM SHAWN COLLIER
P.O. BOX 98
SPRAGUE RIVER OR 97639

RECEIVED
DEC 29 2008
OFFICE OF PETITIONS

In re Application of	:	
William Shawn COLLIER	:	
Application No. 11/633,841	:	DECISION ON PETITION
Filed: December 5, 2006	:	
Docket No.	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed November 5, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Office action under Ex parte Quayle, 1935 Dec. Comm'r Pat. 11 (1935), mailed September 17, 2007, which set a shortened statutory period for reply of two (2) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on November 18, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $810; and (3) the required statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Diane Goodwyn at (571) 272-6735.

This application is being referred to Technology Center AU 3679 for appropriate action by the Examiner in the normal course of business on the reply received November 5, 2008.

Thurman Page
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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QUARLES & BRADY LLP
411 E. WISCONSIN AVENUE
SUITE 2040
MILWAUKEE, WI 53202-4497

Mail Date: 04/20/2010

Applicant	: Gary A. Fleischmann	: DECISION ON REQUEST FOR
Patent Number	: 7658206	: RECALCULATION of PATENT
Issue Date	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/633,856	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/05/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **213** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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CHRISTIE, PARKER & HALE, LLP
PO BOX 7068
PASADENA, CA 91109-7068

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MAY 14 2007

OFFICE OF PETITIONS

In re Application of
Cahill and Bowman
Application No.: 11/633,867
Filed: December 4, 2006
Attorney Docket No: 58905/T522
For: BIPOD

: DECISION ACCORDING
: RULE 47(a) STATUS

This is in response to the petition under 37 CFR 1.47(a), filed, March 27, 2007.

The petition is **GRANTED**.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

The above-cited application was filed on December 4, 2006, without an oath or declaration. A Notice to File Missing Parts of Nonprovisional Application was mailed on January 16, 2007, requiring an executed oath or declaration and surcharge. The notice allowed an extendable period for reply of two months from its mailing date. The instant petition was filed responsively on March 27, 2007, with a request for an extension of time within the first month.

Petitioner has shown that inventor Bowman has constructively refused to join the application after having been presented with the application papers. The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventors at the addresses given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The fee for the instant is $200.00. Deposit account 03-1728 will be charged an additional $70.00 accordingly.

This application will be directed to the Office of Initial Patent Examination for further processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

DATE 5/7/07

APPLICATION NUMBER 11/633,867

DOC CODE LET.

DOC DATE 5/14/07

DELIVER THE ATTACHED FIFLE/DOCUMENT TO THE TC SCANNING CENTER

CONTRACTOR: THE ATTACHED FILE/DOCUMENT MUST BE INDEXED AND SCANNED INTO IFW WITHIN **8** WORK HOURS; UPLOADING OF THE SCANNED IMAGES SHOULD OCCUR NO LATER THAN **16** WORK HOURS FOLLOWING RECEIPT OF THIS REQUEST

AFTER SCANNING, ORIGINAL DOCUMENTS SHOULD BE BOXED IN ACCORDANCE WITH INSTRUCTIONS

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OFFICE OF PETITIONS

Timothy J. Bowman
2451 Verwood Drive
San Jose, CA 95130

In re Application of
Cahill and Bowman
Application No.: 11/633,867
Filed: December 4, 2006
Attorney Docket No: 58905/T522
For: BIPOD

: LETTER

Dear Inventor Bowman :

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a joint inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Kenya A. McLaughlin at (571) 272-3222. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

CHRISTIE, PARKER & HALE, LLP
PO BOX 7068
PASADENA, CA 91109-7068

DATE 5/7/07

APPLICATION NUMBER 11/633,867

DOC CODE WFEE

DOC DATE 5/14/07

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AFTER SCANNING, ORIGINAL DOCUMENTS SHOULD BE BOXED IN ACCORDANCE WITH INSTRUCTIONS

OIPE
MAR 2 7 2007
PATENT & TRADEMARK OFFICE

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on March 23, 2007.

Appl No.	: 11/633,867	Confirmation No. 3114
Applicant	: Jeffrey M. Cahill, et al.	
Filed	: December 4, 2006	
Title	: BIPOD	
TC/A.U.	: 3641	
Examiner	: Not yet assigned	
Docket No.	: 58905/T522	
Customer No.	: 23363	

PETITION UNDER 37 C.F.R. 1.47(a) AND MPEP 409.03(a) TO ACCEPT APPLICATION ON BEHALF OF UNCOOPERATIVE JOINT INVENTOR

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Post Office Box 7068
Pasadena, CA 91109-7068
March 23, 2007

Commissioner:

As attorney of record in the above-identified application (hereafter the "Application"), I hereby petition for acceptance, in response to the Notice to File Missing Parts dated January 16, 2007, the Declaration for Patent Application signed by inventor Jeffrey M. Cahill on behalf of himself and a non-signing inventor, Timothy J. Bowman, who refuses to join in the Application.

In accordance with 37 CFR 1.47, this Petition is accompanied by the following:

1. Declarations for Patent Application signed by the available joint inventor with the signature block of the non-signing inventor left blank as required by 37 CFR 1.63 and 1.64. It is hereby requested that the Declaration be treated as having been signed by the inventor on behalf of the non-signing inventor.

2. Affidavit by Jeffrey M. Cahill, an owner of Tango Down, LLC and joint inventor of the application indicated above, attesting to the pertinent facts surrounding Mr. Bowman's refusal to sign the Declaration for Patent Application.

03/28/2007 EAYALEW1 00000041 11633867
03 FC:1464 130.00 OP
05/14/2007 CKHLOK
00000041 11633867
-130.00 OP
CKHLOK 00000006 031728 11633867
70.00 DA 130.00 OP

3. Copies of a cover letter, Certified Mail Receipt, and signed Domestic Return Receipt indicating that Mr. Bowman has received the Declaration for Patent Application at the address indicated below are attached.

4. A check in the amount of $130.00 for payment of the petition fee required by 37 CFR 1.17(h) is enclosed. The Commissioner is hereby authorized to charge any fees associated with this communication, or credit any overpayment, to **Deposit Account No. 03-1728.**

The name and last known address of the non-signing inventor is:

Timothy J. Bowman
2451 Verwood Drive
San Jose, California 95130

As all requirements of 37 C.F.R. §1.47(a) have been met, Applicants respectfully request the granting of this petition.

Respectfully submitted,

CHRISTIE, PARKER & HALE, LLP

By _____
Robert P. Auerbach
Reg. No. 46,525
626/795-9900

RPA/lal

ALT PAS726127.1-*-03/22/07 3:59 PM

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NETWORK APPLICATIONS
495 E. JAVA DRIVE
SUNNYVALE CA 94089

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OFFICE OF PETITIONS

ON PETITION

In re Application of
Peter F. Corbett et al.
Application No. 11/633,900
Filed: December 5, 2006
Attorney Docket No. **112056-0172C1**

This is a decision on the petition filed June 15, 2007 under 37 CFR 1.137(b), [1] to revive the above-identified application.

The petition under 37 CFR 1.137 (b) is **GRANTED**.

This application became abandoned June 13, 2007 for failure to timely pay the issue fee on or before June 12, 2007. The Notice of Abandonment was mailed June 28, 2007, subsequent to the filing of the instant petition.

The issue fee, publication fee and petition fee have all been applied. All other requirements of 37 CFR 1.137(b) having now been met, this application file is being forwarded to the Publishing Division to be processed into a patent.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

---

[1] Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may required additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

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SPANSION LLC C/O MURABITO, HAO & BARNES LLP
TWO NORTH MARKET STREET
THIRD FLOOR
SAN JOSE CA 95113

MAILED

APR 2 6 2010

OFFICE OF PETITIONS

In re Application of	:	
Suzette K. Pangrle et al	:	
Application No. 11/633,929	:	DECISION ON PETITION
Filed: December 5, 2006	:	
Attorney Docket No. SPSN-AF01937	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 4, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an RCE and an amendment; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 2891 for appropriate action by the Examiner in the normal course of business on the reply received January 4, 2010.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

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ERIC HANSCOM
7395 PORTAGE WAY
CARLSBAD, CA 92011

COPY MAILED

SEP 18 2009

OFFICE OF PETITIONS

In re Application of	:	
Dan Clifton Williams	:	
Application No. 11/633,946	:	DECISION ON PETITION
Filed: December 6, 2006	:	TO WITHDRAW
Attorney Docket No. Williams, Dan, Trash Can	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 20, 2009.

The request is **APPROVED**.

The request was signed by Eric Hanscom on behalf of all the practitioners of record.

Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to inventor Dan Williams at the address indicated below.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Dan Williams
2935 Glendale Community Road
Greenback, TN 37742

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/633,946	12/06/2006	Dan Clifton Williams	Williams, Dan, Trash Can

CONFIRMATION NO. 2992

POWER OF ATTORNEY NOTICE

33873
ERIC HANSCOM
7395 PORTAGE WAY
CARLSBAD, CA 92011

OC000000037858330

Date Mailed: 09/17/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/20/2009.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/idingle/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/633,946	12/06/2006	Dan Clifton Williams	Williams, Dan, Trash Can

CONFIRMATION NO. 2992

POA ACCEPTANCE LETTER

Dan Williams
2935 Glendale Community Road
Greenback, TN 37742

OC000000037858416

Date Mailed: 09/17/2009

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/20/2009.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/idingle/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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MILLS & ONELLO LLP
ELEVEN BEACON STREET
SUITE 605
BOSTON, MA 02108

Mail Date: 04/21/2010

Applicant	: Sung-Chul Park	: DECISION ON REQUEST FOR
Patent Number	: 7642606	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/633,948	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/05/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **75** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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MILLS & ONELLO LLP
ELEVEN BEACON STREET
SUITE 605
BOSTON, MA 02108

Mail Date: 05/18/2010

Applicant : Sung-Chul Park
Patent Number : 7642606
Issue Date : 01/05/2010
Application No : 11/633,948
Filed : 12/05/2006

: NOTICE CONCERNING IMPROPER
: CALCULATION OF PATENT TERM
: ADJUSTMENT BASED UPON USPTO
: IMPROPERLY MEASURING REDUCTION
: PERIOD UNDER 37 CFR 1.704(c)(10).

The United States Patent and Trademark Office (USPTO) discovered that in processing the recent recalculation decisions mailed in response to patentee's filed Request for Recalculation of Patent Term Adjustment in view of Wyeth, the USPTO improperly measured the reduction period for reductions under 37 CFR 1.704(c)(10). Pursuant to 37 CFR 1.704(c)(10), patentee's reduction begins on the date of filing the amendment under 37 CFR 1.312 ("1.312 amendment") or other related paper and ends on the date that the Office mails a response to the filing of the 1.312 amendment or other paper. It has been discovered that during the recalculation, the calculation failed to the limit the reduction to the mail date of the response to the 1.312 amendment or other paper. Accordingly, patentee's reductions were greater than warranted.

This notice **VACATES** the previous GRANTED request for recalculation and provides patentee with a revised GRANTED recalculation.

The patent term adjustment has been determined to be **117** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of patent term adjustment (PTA) days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days** from the mail date of this notice, whichever is longer, to file a request for reconsideration of this PTA calculation. See 35 U.S.C. § 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4).

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this PTA calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2), and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this PTA calculation, including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right of review of the USPTO's PTA determination in the United States District Court for the District of Columbia, patentee must ensure that the steps required under 35 U.S.C. § 154 (b)(4) are taken in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. § 154(b)(4).

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2000 Market Street
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OFFICE OF PETITIONS

In re Application of Boden Application No. 11/633,963 Filed: December 5, 2006 Attorney Docket No. 48170.00132.P0022806.05	: : : : :	DECISION DISMISSING PETITIONS UNDER 37 CFR 1.78(a)(3) AND (a)(6)

This is a decision on the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), filed October 22, 2008, to accept an unintentionally delayed claim under 35 U.S.C. §§ 120 and 119(e) for the benefit of priority to the prior-filed nonprovisional and provisional applications set forth in the concurrently filed amendment.

The petitions are **DISMISSED**

A petition for acceptance of a claim for late priority under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000 and after the expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) must be accompanied by:

(1) the reference required by 35 U.S.C. §§ 120 and 119(e) and 37 CFR §§ 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;

(2) the surcharge set forth in § 1.17(t); and

(3) a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional where there is a question whether the delay was unintentional.

The petitions do not comply with item (1).

The amendment is not acceptable as drafted since it improperly incorporates by reference the prior-filed applications. An incorporation by reference statement added after an application's filing date is not effective because no new matter can be added to an application after its filing date (*see* 35 U.S.C. § 132(a)). If an incorporation by reference statement is included in an amendment to the specification to add a benefit claim under 35 U.S.C. § 120 after the filing date of the application, the amendment would not be proper. When a benefit claim under 35 U.S.C. § 120 is submitted after the filing of an application, the reference to the prior application cannot include an incorporation by reference statement of the prior application. *See* Dart Industries v. Banner, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980). *Note* MPEP §§ 201.06(c) and 608.04(b).

Before the petitions under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) can be granted, renewed petitions and a substitute amendment (complying with the provisions of 37 CFR 1.121 and 37 CFR 1.76(b)(5)) to correct the above matter is required.

Also, 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) require a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. Since the statement appearing in the petition varies from the required language, the statement is being construed as the statement required by 37 CFR §§1.78(a)(3) and 1.78(a))(6). If this is not a correct reading of the statement appearing in the petition, petitioner should promptly notify the Office.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Any questions concerning this matter may be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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2000 Market Street
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Philadelphia PA 19103

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OFFICE OF PETITIONS

In re Application of Boden Application No. 11/633,963 Filed: December 5, 2006 Attorney Docket No. 48170.00132.P0022806.05	: : : : :	DECISION GRANTING PETITIONS UNDER 37 CFR 1.78(a)(3) AND (a)(6)

This is a decision on the renewed petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), filed May 6, 2009, to accept an unintentionally delayed claim under 35 U.S.C. §§ 120 and 119(e) for the benefit of priority to the prior-filed nonprovisional and provisional applications set forth in the concurrently filed amendment.

The petitions are **GRANTED**

A petition for acceptance of a claim for late priority under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000 and after the expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) must be accompanied by:

(1) the reference required by 35 U.S.C. §§ 120 and 119(e) and 37 CFR §§ 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;

(2) the surcharge set forth in § 1.17(t); and

(3) a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional where there is a question whether the delay was unintentional.

Additionally, the instant nonprovisional application must be pending at the time of filing of the reference to the prior-filed provisional application as required by 37 CFR 1.78(a)(5)(ii). Further,

a nonprovisional application claiming the benefit of the prior-filed provisional application must have been filed within twelve months of the filing date of the prior-filed provisional application.

All the above requirements having been satisfied, the late claim for benefit of priority under 35 U.S.C. §§ 120 and 119(e) is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) should not be construed as meaning that this application is entitled to the benefit of the filing date of the prior-filed applications. In order for this application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. §§120 and 1.78(a)(1) and (a)(2) and under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed applications, accompanies this decision on petition.

Petitioner paid two surcharges. Only one is required. Petitioner's credit card will be credited $1,410.00.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3230. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to Technology Center Art Unit 1646 for consideration by the examiner of the claim under 35 U.S.C. § §120 and 119(e) of the prior-filed nonprovisional and provisional applications.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

ATTACHMENT : Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/633,963	12/05/2006	1646	2100	48170.00132.P0022806.05	42	1

CONFIRMATION NO. 4534

CORRECTED FILING RECEIPT

29880
FOX ROTHSCHILD LLP
PRINCETON PIKE CORPORATE CENTER
2000 Market Street
Tenth Floor
Philadelphia, PA 19103

OC000000036213858

Date Mailed: 05/29/2009

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Scott D. Boden, Atlanta, GA;
Sreedhara Sangadala, Dallas, GA;

Power of Attorney: The patent practitioners associated with Customer Number 29880

Domestic Priority data as claimed by applicant

This application is a CIP of 11/385,612 03/21/2006 PAT 7,504,374
which claims benefit of 60/772,322 02/10/2006
This application 11/633,963
is a CIP of 10/806,915 03/23/2004
which claims benefit of 60/456,551 03/24/2003

Foreign Applications

If Required, Foreign Filing License Granted: 05/28/2009

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/633,963**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Smurf1 independent mechanism of osteoinduction of LMP-3 protein

Preliminary Class

514

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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KIMBERLY-CLARK WORLDWIDE, INC.
Tara Pohlkotte
2300 Winchester Rd.
NEENAH, WI 54956

Mail Date: 04/21/2010

Applicant	: Mark Alan Burazin	: DECISION ON REQUEST FOR
Patent Number	: 7611605	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/633,966	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/05/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **426** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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TRASK BRITT
P.O. BOX 2550
SALT LAKE CITY UT 84110

In re Application of
Alexander M. Chagovetz, et al.
Application No. 11/633,980
Filed: December 4, 2006
Attorney Docket No. 0274-8111US

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b) filed July 9, 2007.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Trask Britt has been revoked by the assignee of the patent application on August 27, 2007. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to undersigned at 571-272-1642.

April M. Wise
Petitions Examiner
Office of Petitions

cc: VAUGHN NORTH
THORPE NORTH & WESTERN
8180 SOUTH 700 EAST
SUITE 350
SANDY, UT 84070

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/633,980	12/04/2006	Alexander M. Chagovetz	00846-U3929.NP

CONFIRMATION NO. 3087

POA ACCEPTANCE LETTER

20551
THORPE NORTH & WESTERN, LLP.
8180 SOUTH 700 EAST, SUITE 350
SANDY, UT 84070

OC000000026742741

Date Mailed: 11/14/2007

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/27/2007.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/amwise/

Office of Initial Patent Examination (571) 272-4000 or 1-800-PTO-9199

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/633,980	12/04/2006	Alexander M. Chagovetz	0274-8111US

CONFIRMATION NO. 3087

POWER OF ATTORNEY NOTICE

24247
TRASK BRITT
P.O. BOX 2550
SALT LAKE CITY, UT 84110

OC000000026742700

Date Mailed: 11/14/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/27/2007.

- The Power of Attorney to you in this application has been revoked by the assignee who has intervened as provided by 37 CFR 3.71. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

/amwise/

Office of Initial Patent Examination (571) 272-4000 or 1-800-PTO-9199

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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
11/633,981	12/04/2006	Alexander M. Chagovetz	122056.01

TRASK BRITT
P.O. BOX 2550
SALT LAKE CITY UT 84110

DATE MAILED: June 18, 2007

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)
The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d) filed May 31, 2007, requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Any inquiries concerning this decision should be directed to the Pre-Grant Publication Division at (703) 605-4283.

Barbara J. Debnam
Pre-Grant Publication Division

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
11/633,981	12/04/2006	Alexander M. Chagovetz	122056.01

CONFIRMATION NO.
3086

TRASK BRITT
P.O. BOX 2550
SALT LAKE CITY UT 84110

Date Mailed: June 18, 2007

Decision Dismissing Petition under 37 CFR 1.138(c)
The declaration of express abandonment will not be recognized

This is in response to the petition under 37 CFR 1.138(c), for express abandonment to avoid publication of the above-identified application.

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

1. ☑ The petition under 37 CFR 1.138(c) was not filed in sufficient time to permit the appropriate officials to recognize the abandonment and remove the application from the publication process.

2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).

3. ☐ The Application was published in compliance with 35 U.S.C. 122(b), and it is available on the USPTO web site at http://www.uspto.gov/patft/index.html.

4. ☐ Petition fee was not paid.

The application **has/will be published** as scheduled.

Telephone inquiries should be directed Office of Patent Publication, Pre-Grant Publication Division, 703-605-4283.

Barbara J. Debnam
Office of Patent Publication
Pre-Grant Publication Division

Rev. 10/01

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

AT& T LEGAL DEPARTMENT - Monka
ATTN: PATENT DOCKETING
ROOM 2A - 207
ONE AT & T WAY
BEDMINSTER NJ 07921

MAILED

MAR 05 2010

OFFICE OF PETITIONS

In re Application of	:	
Thomas Killian, et al.	:	
Application No. 11/633,990	:	DECISION ON PETITION
Filed: December 5, 2006	:	
Attorney Docket No. 2006-0037	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 7, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, November 25, 2008, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on February 26, 2009. The Notice of Abandonment was mailed June 9, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $1,620, and (3) a proper statement of unintentional delay.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition desires to receive future correspondence regarding this application, the appropriate power of attorney document must be submitted. While a courtesy copy of this decision is being mailed to the person signing the petition, all future correspondence will be directed to the address currently of record until appropriate instructions are received.

Telephone inquiries concerning this decision should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 2612 for appropriate action by the Examiner in the normal course of business on the reply received.

Terri Johnson
Petitions Examiner
Office of Petitions

cc: **LAW OFFICES OF GARY H. MONKA, PLLC**
305 W. BROADWAY, #102
NEW YORK, NY 10013

Fax 4/12/10

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 02/24/10

TO SPE OF : ART UNIT 3728

SUBJECT : Request for Certificate of Correction for Appl. No.: 11634023 Patent No.: 7487872

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (C of C)
Randolph Square 9D40-D
Palm Location 7580

You can fax the Directors/SPE response to 571-270-9990

Lamonte Newsome
Certificates of Correction Branch
703-756-1574

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- ☑ **Approved** — All changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments: [illegible]

[illegible] 3728

PAGE 1/1 * RCVD AT 5/10/2010 1:18:42 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-5/3 * DNIS:2709990 * CSID:7033087763 * DURATION (mm-ss):01-06

UNITED STATES PATENT AND TRADEMARK OFFICE

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TYCO HEALTHCARE GROUP, LP
15 HAMPSHIRE STREET
MANSFIELD, MA 02048

COPY MAILED

MAY 27 2008

OFFICE OF PETITIONS

In re Application of	:	
Lee Burnes, et al.	:	
Application No. 11/634,028	:	DECISION GRANTING PETITION
Filed: December 5, 2006	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. H-KN-00829 US	:	

This is a decision on the petition under 37 CFR 1.313(c) (2), filed May 23, 2008, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c) (2).

Petitioner is advised that the issue fee paid on May 1, 2008 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries regarding this decision should be directed to undersigned at (571) 272-1642.

This application is being referred to Technology Center AU 2833 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

April M. Wise
Petitions Examiner
Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form* ***must*** *be completed and timely submitted to avoid abandonment of the application.*

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JORDAN AND HAMBURG LLP
122 EAST 42ND STREET
SUITE 4000
NEW YORK NY 10168

COPY MAILED
SEP 15 2008

In re Application of	:	
Sakai, et al.	:	
Application No. 11/634,042	:	DECISION
Filed/Deposited: 5 December, 2006	:	
Attorney Docket No. F-9307	:	

This is a decision on the papers entitled (in part) "Preliminary Amendment Under 37 C.F.R. §1.57(a) ..." filed on 25 January 2007, seeking to have accorded a filing date of 5 December, 2006, for pages 7 and 8 of the specification and drawings FIGS. 8B-8E, described in the specification, based on the inadvertently omitted drawings being present in the prior-filed non-provisional application to which this application claimed benefit on filing under 37 C.F.R. §1.78 in the above-identified application, and properly considered under 37 C.F.R. §1.57(a),.

For the reasons stated herein, the petition is **DISMISSED AS INAPPROPRIATE**.

It is noted that this application includes an express incorporation by reference statement and has been accorded a filing date as specified in the Notice of Omitted Items in a Nonprovisional Application mailed January 5, 2007. Therefore, in accordance with MPEP §201.06(c)(IV), "INCORPORATION BY REFERENCE", applicant is entitled to file an amendment adding the material from the prior application to complete the disclosure of this application. Such an amendment will be considered by the Examiner.

Since a petition under 37 C.F.R. §1.57(a) is not necessary to file such an amendment, the fee has not been charged to applicant's deposit account.

Accordingly, this application is being forwarded to the Technology Center/AU to await applicant's amendment.

Application No. 11/634,042

Telephone inquiries concerning this matter should be directed to Attorney John J Gilllon, Jr., at (571) 272-3214.

Anthony Knight
Supervisor
Office of Petitions

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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/634,066	12/05/2006	Naoto Hosoya	SONYJP 3.0-1280	3649

7590 09/10/2009
LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK
600 SOUTH AVENUE WEST
WESTFIELD, NJ 07090

EXAMINER
TRAN, THAI Q

ART UNIT	PAPER NUMBER
2621	

MAIL DATE	DELIVERY MODE
09/10/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Naomi Farmer

Patent Publication Branch
Office of Data Management

Adjustment date: 09/11/2009 NFARMER
12/07/2006 JBALINAN 00000039 121095 11634066
02 FC:1111 500.00 CR

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
www.uspto.gov

ANTONELLI, TERRY, STOUT & KRAUS, LLP
1300 NORTH SEVENTEENTH STREET
SUITE 1800
ARLINGTON, VA 22209-3873

Mail Date: 04/21/2010

Applicant	: Hiroshi Ogasawara	: DECISION ON REQUEST FOR
Patent Number	: 7574575	: RECALCULATION of PATENT
Issue Date	: 08/11/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/634,090	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/06/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **102** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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JUN 17 2008

In re Application of: Yamazaki et al.	:	
Application No. 11/634,103	:	NOTICE OF WITHDRAWAL
Filed: 6 December 2006	:	FROM ISSUE
Attorney Docket No. 740756-3037	:	UNDER 37 CFR § 1.313
	:	

The purpose of this communication is to inform you that the above identified application is being withdrawn from issue pursuant to 37 CFR § 1.313.

The above-identified application is hereby withdrawn from issue. The Notice of Allowance and Issue Fee Due and the Notice of Allowability mailed 12 March 2008, are hereby vacated.

The application is being withdrawn to permit reopening of prosecution. The reasons therefore will be communicated to you by the examiner.

If the issue fee has been submitted, the applicant may request a refund, or may request that the fee be credited to a deposit account. However, applicant may wait until the application is either again found allowable or held abandoned. If the application is allowed, upon receipt of a new Notice of Allowance and Issue Fee Due, applicant may request that the previously submitted issue fee be applied toward payment of the issue fee in the amount identified on the new Notice of Allowance and Issue Fee Due. If the application is abandoned, applicant may request either a refund or a credit to a Deposit Account.

Telephone inquires should be directed to Carl Whitehead, Jr. at (571) 272-1702.

The above-identified application is being forwarded to the examiner for prompt appropriate action.

Richard K. Seidel, Director
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

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COMMISSIONER FOR PATENTS
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DICKINSON WRIGHT PLLC
1901 L STREET NW
SUITE 800
WASHINGTON, DC 20036

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AUG 13 2008

In re Application of
Christian Wengerter, et al.
Application No. 11/634,127
Filed: December 6, 2006
Attorney Docket No. L7725.04105A

ON PETITION

This is a decision in response to the petition, filed March 31, 2008, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

The application became abandoned for a failure to reply in a timely manner to a non-final Office action mailed September 26, 2007. On March 31, 2008, the present petition was filed. A Notice of Abandonment was subsequently mailed on August 6, 2008.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment; (2) the petition fee of $1,540; and (3) an adequate statement of unintentional delay.

The application is being referred to Technology Center AU 2611 for appropriate action by the Examiner in the normal course of business on the response filed March 31, 2008.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204. Inquiries relating to further prosecution should be directed to the Technology Center.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/634,129	12/06/2006	Thomas Tuschl	2923-793	4466

6449 7590 02/22/2010
ROTHWELL, FIGG, ERNST & MANBECK, P.C.
1425 K STREET, N.W.
SUITE 800
WASHINGTON, DC 20005

EXAMINER
BOWMAN, AMY HUDSON

ART UNIT	PAPER NUMBER
1635	

NOTIFICATION DATE	DELIVERY MODE
02/22/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTO-PAT-Email@rfem.com

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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FEB 22 2010

ROTHWELL, FIGG, ERNST & MANBECK, P.C.
1425 K STREET, N.W.
SUITE 800
WASHINGTON DC 20005

In re Application of:	:
Tuschl et al.	:
Serial No.: 11/634,129	: PETITION DECISION
Filed: December 6, 2006	:
Attorney Docket No.: **2923-793**	

This is in response to the petition under 37 CFR § 1.59(b), filed February 5, 2010 to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that information subjected to a protective order submitted on February 5, 2010, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

This is an examined application which is currently under non-final rejection. As such the information provided has been reviewed, in part, but proceedings in the application have not been terminated. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. The information cannot be expunged at this time.

The petition is **DISMISSED**. Petitioner may resubmit the petition subsequent to a Notice of Allowability or *ex parte Quayle* action being mailed in the application. No additional petition fee will be required at that time.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 703-872-9306.

Marianne C. Seidel
Quality Assurance Specialist
Technology Center 1600

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/634,163	12/06/2006	Sun-woo Lee	51329	3258

7590 12/24/2008
ROYLANCE, ABRAMS, BERDO & GOODMAN, L.L.P.
1300 19TH STREET, N.W.
SUITE 600
WASHINGTON,, DC 20036

EXAMINER
ROYER, WILLIAM J

ART UNIT	PAPER NUMBER
2852	

MAIL DATE	DELIVERY MODE
12/24/2008	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

Adjustment date: 12/24/2008 BPOWELL
12/07/2006 SSITHIB1 00000052 11634163
02 FC:1111 -500.00 OP

Repln. Ref: 12/24/2008 BPOWELL 0010474200
DH#:502470 Name/Number:11154627
FC: 9204 $500.00 CR

FORM PET651G (Rev. 08/07)

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MUNCY, GEISSLER, OLDS & LOWE, PLLC
P.O. BOX 1364
FAIRFAX, VA 22038-1364

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MAR 2 5 2009

OFFICE OF PETITIONS

In re Application of
Fomin Uladzimir
Application No. 11/634,177
Filed: December 6, 2006
Attorney Docket No. 4443/0457PUS1

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed on February 19, 2009, to revive the above-identified application.

The application became abandoned for failure to timely respond to the Notice of Allowance and Fee(s) Due mailed October 8, 2008. A Notice of Abandonment was mailed on February 3, 2009.

It is not apparent whether the statement of unintentional delay was signed by a person who would have been in a position of knowing that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Nevertheless, in accordance with 37 CFR 10.18, the statement is accepted as constituting a certification of unintentional delay. However, in the event that petitioner has no knowledge that the delay was unintentional, petitioner must make such an inquiry to ascertain that, in fact, the delay was unintentional. If petitioner discovers that the delay was intentional, petitioner must so notify the Office.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of $755 for payment of the issue fee and $300 for payment of the publication fee; (2) the petition fee of $810; and (3) a proper statement of unintentional delay. Therefore, the petition is **GRANTED**.

The Power of Attorney filed on March 10, 2009 has been accepted and made of record. A Notice of Acceptance accompanies this decision.

This application file is being referred to the Office of Data Management to be processed into a patent.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

Enclosure: Notice of Acceptance of Power of Attorney

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UNITED STATES DEPARTMENT OF COMMERCE
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/634,177	12/06/2006	Fomin Uladzimir	4443/0457PUS1

CONFIRMATION NO. 3716

POA ACCEPTANCE LETTER

60601
Muncy, Geissler, Olds & Lowe, PLLC
P.O. BOX 1364
FAIRFAX, VA 22038-1364

OC000000035141817

Date Mailed: 03/24/2009

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/10/2009.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/amsmith/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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Alon Wallach
22, Hamelacha St.
Rosh HAAIN 48091 IL ISRAEL

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APR 19 2010

OFFICE OF PETITIONS

In re Application of	:	
Alon Wallach	:	
Application No. 11/634,181	:	ON PETITION
Filed: December 6, 2006	:	
	:	

This is in response to the communication, filed January 11, 2010, to revive the above-identified application, which is being treated as a petition to withdraw the holding of abandonment.

The petition is **DISMISSED**.

Any request for reconsideration of this decision should be submitted within two (2) months from the mail date of this decision and be entitled "Renewed Petition to Withdraw the Holding of Abandonment under 37 CFR 1.181." *See* 37 CFR 1.181(f).

On March 19, 2009, the Office mailed a non-final Office action, which set a three (3) month shortened statutory period to reply. The application became abandoned on June 20, 2009, for failure to submit a timely response to the non-final Office action. On December 1, 2009, the Office mailed a Notice of Abandonment.

In the present petition, petitioner requests that the Office withdraw the holding of abandonment due to nonreceipt of the non-final Office action. Specifically, petitioner states that the non-final Office action mailed March 19, 2009 was not received.

DISCUSSION OF PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT

A review of the record indicates no irregularity in the mailing of the March 19, 2009 Office action, and in the absence of any irregularity in the mailing, there is a strong presumption that the Office action was properly mailed to the address of record.

As petitioner is a pro-se applicant, the Office understands that petitioner may not keep a formal docket record system for his correspondence. Nevertheless, petitioner must provide some sort of showing explaining the manner in which petitioner receives mail from the USPTO, maintains files for patent matters, and treats mail received for such matter. Specifically, petitioner must explain the system for keeping track of patent matters - where petitioner keeps the correspondence; where he writes down due dates; how he knows replies are due, etc. In essence,

petitioner must explain how he reminds himself of response due dates and show that the due date for the non-final Office action of March 19, 2009, was not entered into that system. Petitioner should include any available documentary evidence of the mail received, covering a reasonable period after March 19, 2009, to demonstrate nonreceipt of the March 19, 2009 Office action. Petitioner should also provide the USPTO with copies of any records or other methods, which could serve as a reminder of the due date for a response to an Office action, and where petitioner would have entered the receipt date of the Office action had petitioner received it (for example, a copy of the outside of a file or a calendar maintained by petitioner), if these documents are available. Furthermore, petitioner must include a statement from himself, or any other person at the address who may have handled the Office action, indicating that a search was conducted of the location where the correspondence from the USPTO would have been kept; however, the March 19, 2009 Office action was not found. Lastly, petitioner must state that he was, in fact, residing at the correspondence address of record for a reasonable time after March 19, 2009; the period when he would have received the March 19, 2009 Office action.

In the present petition, petitioner did not submit any statements, documentary evidence, or an explanation of his method for tracking due dates for filing responses to communications from the USPTO to show he did not receive the March19, 2009 Office action. Therefore, the petition to withdraw the holding of abandonment is **dismissed**. A copy of the March 19, 2009 Office action accompanies this decision for petitioner's convenience.

ALTERNATIVE VENUE

Petitioner is strongly encouraged to consider filing a petition under 37 CFR 1.137(b) to revive an unintentionally abandoned application instead of filing a renewed petition under 37 CFR 1.181 or a petition under 37 CFR 1.137(a).

A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

> (1) The reply required to the outstanding Office action or notice, unless previously filed. In nonprovisional utility application abandoned for failure to respond to a non-final Office action, the required reply may be met by filing either (A) an argument or amendment under 37 CFR 1.111 or (B) a continuing application under 37 CFR 1.53(b).
>
> (2) The petition fee as set forth in 37 CFR 1.17(m), **$810.00 for a small entity**;
>
> (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

A form for filing a petition to revive an unintentionally abandoned application accompanies this decision for petitioner's convenience. If petitioner desires to file a petition under 37 CFR 1.137(b) instead of filing a request for reconsideration, petitioner must complete the enclosed petition form (PTO/SB/64) and pay the $810 petition fee.

Petitioner may wish to consider hiring a registered patent attorney or agent to assist in the prosecution of this application. Additionally, petitioner is encouraged to contact the Inventors

Assistance Center (IAC) by telephone at 800-786-9199 or 571-272-1000, Monday through Friday from 8:30 AM to 5:30 PM (EST). The IAC provides patent information and services to the public and is staffed by former Supervisory Patent Examiners and experienced Primary Examiners who answer general questions concerning patent examining policy and procedure.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries related to this decision may be directed to Terri Johnson at (571) 272-2991.

Chris Bottorff
Petitions Examiner
Office of Petitions

Enclosures: Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b); Form PTO/SB/64, Privacy Act Statement; and a copy of the Office action dated March 19, 2009.

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/634,181	12/06/2006	Alon Wallach		4573

7590 03/19/2009

Alon Wallach
22, Hamelacha St.
Rosh HAAIN, 48091
ISRAEL

EXAMINER
NGUYEN, DON

ART UNIT	PAPER NUMBER
2622	

MAIL DATE	DELIVERY MODE
03/19/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	11/634,181	WALLACH, ALON	
	Examiner	Art Unit	
	DON NGUYEN	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on 06 December 2006.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-7 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-7 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on 06 December 2006 is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Specification

1. Claims 3-7 are objected to under 37 CFR 1.75(c) as being in improper form because those multiple dependent claims 3-6 do not refer back to the Alternative Only, and claim 7 is reference back to a claim 4 which is multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims 3-7 not been further treated on the merits.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1, 3, 4, 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakamura et al. [US 2003/0177500].

Regarding to claim 1, Nakamura discloses "A digital megapixels video camera (fig. 1, digital camera 110) connected with its standard analog video output to the input of a standard analog video transmitter or standard analog video cable" (Fig. 1, analog video signal output 103 connected to adapter device 200),

Per this limitation, Nakamura does not teach exactly "and a controller that controls the above mentioned camera to take a picture in very high resolution and then send it over the said video link or cable in the form of series of analog video

subpictures, each having a limited analog video bandwidth and number of lines matching the video link's properties and limitations"

However, Nakamura explicitly teaches that the controller 111 includes a CPU module 111a, DSP module 111b, etc. operation of digital camera 110 is controlled as the CPU module 111a executes a program stored in the flash memory 11d (par. 0049, and when a still image is required, the DSP module 111b reads out the image data all the pixels in the effective imaging area of the CCD and generates high resolution digital image data, also DSP module controls the CCD module 114 to obtain a low resolution image by thinning the number of pixels or by applying addition to adjoining pixels or the like to reduce number of pixels of an image to VGA sizes (Par. 0050, lines 5-13), and the image captured by image capture optical system is output through the video interface 112 as an analog video signal (at the end of paragraph 0050).

Therefore, it would have been obvious to one of ordinary skilled in the art at the time invention was made that using Nakamura's invention to provide the controller that controls the camera to take a picture in very high resolution and then send it over the said video link or cable in the form of series of analog video subpictures, each having a limited analog video bandwidth and number of lines matching the video link's properties and limitations, because as Nakamura implies that a streaming server system that receives the analog video signal from the camera and creates streaming data corresponding to the received video signal and the command transmitting system that transmits a control command corresponding to the operation command to the camera.

Regarding to claim 3, "A PC or any computing device with a video input that can grab the series of subpictures of claim 1, with the I.D. marks of claim 2 and reconstruct a high resolution picture, and show all or part of it on a VGA or other computer screen, with the original resolution that the digital camera of claim 1 allowed".

Nakamura explicitly teaches the adapter device 200 is capable of encoding each frame of the analog moving images into a low resolution (e.g., VGA size: 640/480) digital image (par. 0044, lines 1-3) and the client PC 400 can be connected to the internet through ADSL modem 404 and receive the low resolution digital image data encoded by the adapter device 200 (par. 0046, lines 1-3).

Therefore, it would have been obvious to one of ordinary skilled in the art at the time invention was made using Nakamura's invention to provide a PC or computer device with a video input and reconstruct a high resolution picture, and show all or part of it on a VGA or other computer screen, with the original resolution that the digital camera, according to Nakamura that the PC client 400 receive the low resolution digital image data from adapter device 200 and display the images captured by the digital camera on the monitor 402 and the PC client is capable downloaded the high resolution digital still image data stored in the storage unit of adapter device 200.

Regarding to claim 4, Nakamura discloses "A system as outlined by claim 1, 2, and 3, while the digital camera of claim 1 is a high resolution digital CCD or CMOS picture sensor (fig. 1, digital camera 110 with high resolution CCD).

Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to provide the digital camera with a high resolution CCD or CMOS picture sensor, because as Nakamura implies to use digital camera with high resolution CCD to capture the images.

Regarding to claim 7, "The digital camera of claim 1 or the picture sensor of claim 4, while the video link or cable of claim 1 is replaced by a digital or internet video link with limited bandwidth".

Nakamura explicitly discloses that the network camera system 1 USB cable which use to transfer the digital still image from the camera 110 to the adapter device 200, the digital image has a maximum size 3200 x 2400 pixels.

Therefore, it would have been obvious to one of ordinary skilled in the art at the time invention was made to provide the camera system which has a digital or internet video link with limited bandwidth, since Nakamura implies the system contains 2 links, one is digital and one is analog video.

4. Claims 2, 5, 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakamura et al. [US 2003/0177500] as applied to claim 1 above, and further in view of Baxter et al [US 5486853].

Regarding to claim 2, Nakamura does not disclose "The digital video camera of claim 1 where is the series of subpictures are each uniquely I.D. marked sequentially,

either by some overlay contents or addition to each subpictures, an insert in its VBI (Vertical Blank Interval), in the audio channel of the video link or video cable, or in an auxiliary data channel. The I.D. is used to help and reconstruct the full high resolution picture".

However, Baxter teaches that a portion if the video signal waveform comprising the analog video signals is blanked with the horizontal and vertical synchronizing signals and pixel clock signal added to the blanked portion. The demodulated video signal is gamma corrected. Data information (e.g. camera identification, CCD serial number) provide by the solid state video imager is added to the demodulated video signals (col. 4, lines 40-46).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made that modify Nakamura's invention by using Baxter's invention to provide the series of subpictures or signals which marked with the I.D. or inserted in its VBI to help and reconstruct the full high resolution picture, because as Baxter implies that the processor 70 is used to transmit data information within VBI portion of the analog video signal over line 50 by sending data along line 72 in other direction as well, and the processor 70 provides information to the computer such as camera identification , type of CCD, series number in order to reconstruct the full resolution images without lost (Baxter, col. 7, lines 62-67).

Regarding to claim 5, Nakamura does not disclose "A system as outlined by claims 1,2,3 or 1,2,3 and 4 while the video signal is not a standard PAL or NTSC video signal, but rather a slow scan megapixel analog scan".

However, Baxter explicitly teaches that the electric camera head is only required to provide a minimally processed video analog signal, independently of any accepted television broadcasting standard such as NTSC, simple camera circuit is used. The interface allows the use of widely different camera formats, for example, the interface may be used with both interlaced or non-interlaced as well as different resolution and scan rates (Baxter, col. 3, lines 4-7, 25-28).

Therefore, it would have been obvious to one of ordinary skilled in the art at the time invention was made to combine Nakamura's invention and Baxter's invention that the system uses the slow scan megapixel analog scan could have been obtained, because Baxter indicates the interface allows the use of widely different camera formats with different resolution and scan rates.

Regarding to claim 6, Nakamura does not disclose "A system as outlined in claims 1 and 3, while the I.D. of claim 2 is not present, but the PC or computing device of claims 3 is extracting the I.D. using a relatively long intermission between the end of one series of subpictures and the next series of subpictures, as a means to reset an I.D. counter".

However, Baxter explicitly teaches that the processor 70 is used to transmit data information within VBI portion of the analog video signal over line 50 by sending data

along line 72 in other direction as well and processor 70 provides information to computer 16 including, camera identification, type of CCD, series number, self test status and lens status (col. 7, lines 65-67), thus the purpose of this is made computer to recognize the beginning and ending of image signal in order to process the right image such as extracting ID or so.

Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Nakamura's invention by using Baxter's invention that the system had the PC or computing device to extract the ID and reset the Id counter could have been obtained, because as Baxter implies the system in his patent has both processor and computer are provided information such as camera identification, type of CCD or etc. for properly transmitting and processing the data information.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DON NGUYEN whose telephone number is (571)270-7270. The examiner can normally be reached on Monday to Friday from 9:00 AM to 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lin Ye can be reached on 571-272-7372. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Lin Ye/
Supervisory Patent Examiner,
Art Unit 2622

/DON NGUYEN/
Examiner, Art Unit 2622

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FAY SHARPE LLP
1100 SUPERIOR AVENUE SEVENTH FLOOR
CLEVELAND OH 44114

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OFFICE OF PETITIONS

In re Application of	:	
Bender, et al.	:	
Application No. 11/634,233	:	DECISION ON PETITION
Filed: December 4, 2006	:	
Attorney Docket No. LEEE 00343-1	:	

This is a decision on the "RESPONSE TO NOTICE OF INCOMPLETE NON-PROVISIONAL APPLICATION", filed February 23, 2007, which is being treated as a petition under 37 CFR 1.57(a), requesting that the above-identified application be accorded a filing date of December 4, 2006.

The petition under 37 CFR 1.57(a) is **GRANTED**.

The instant application was deposited on December 4, 2006. However, the application omitted a copy of the drawings. Accordingly, on January 22, 2007, the Office of Initial Patent Examination mailed a "Notice of Incomplete Nonprovisional Application", requiring drawings and stating that the filing date would be the date of receipt of the drawings.

In response, petitioner filed drawings and the instant petition on February 23, 2007. Petitioner argues that drawings were incorporated by reference pursuant to a priority claim to application No. 10/746,614.

With respect to the practice of incorporation by reference, the Manual of Patent Examining Procedure states:

> For applications filed on or after September 21, 2004, a claim under 35 U.S.C. 120 and 37 CFR 1.78 for benefit of a prior-filed nonprovisional application or international application designating the U.S. that was present on the filing date of the continuation or divisional application is considered an incorporation by reference of the prior-filed application as to inadvertently omitted material, subject to the conditions and requirements of 37 CFR 1.57(a). The purpose of 37 CFR 1.57(a) is to provide a safeguard for applicants when all or a portion of the specification and/or drawing(s) is (are) inadvertently omitted from an application.

The section goes on to state:

> For an application filed on or after September 21, 2004, if the material needed for a filing date is completely contained within a prior-filed application to which benefit is claimed, applicant may file a petition under 37 CFR 1.57(a)(3) along with the fee set forth in 37 CFR 1.17(f) and an amendment with the inadvertently omitted material requesting that the amendment be entered and the application be accorded a filing date as of the original date of deposit of the application papers. See 37 CFR 1.57(a)(3) and MPEP § 201.17.[1]

Accordingly, the above identified application is entitled to a filing date of December 4, 2006, in view of the priority claim to the parent application.

Given the basis for granting this petition, no petition fee has been charged.

The application is being forwarded to the Office of Patent Application Processing (OPAP) for further processing with a <u>filing date of December 4, 2006</u>, using the application papers received in the Office on that date and the 10 drawing sheets supplied on petition filed February 23, 2007. Applicants will receive appropriate notifications regarding the fees owed, if any, and other information in due course from OPAP.

---

[1] MPEP 201.06(c).

Telephone inquiries specific to this decision should be directed to Petitions Attorney Cliff Congo at (571)272-3207.

Anthony Knight
Supervisor
Office of Petitions

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MCKENNA LONG & ALDRIDGE LLP
SONG K. JUNG
1900 K STREET, N.W.
WASHINGTON, DC 20006

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JUL 09 2010

OFFICE OF PETITIONS

In re Application of :
Gi Ra Yi, et al. :
Application No.: 11/634,238 : ON PETITION
Filed: December 6, 2006 :
Attorney Docket No.: 29137.256.00-US :

This is a decision on the petition, filed July 8, 2010, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on June 11, 2010, cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3204.

The application is being referred to Technology Center AU 1792 for further processing of the Request for Continued Examination (RCE) under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement (IDS).

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

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JACOBSON HOLMAN PLLC
400 SEVENTH STREET N.W.
SUITE 600
WASHINGTON, DC 20004

Mail Date: 04/21/2010

Applicant	: Gaetano Di Rosa	: DECISION ON REQUEST FOR
Patent Number	: 7665945	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/634,279	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/06/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **329** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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MARTIN E. NIX
PO BOX 95173
SEATILE WA 98145-2173

MAR 08 2007

In re Application of: NIX
Serial No.: 11/634,312
Filed: December 5, 2006
Title: USE OF RENEWABLE ENERGY LIKE SOLAR, WIWND, GEOTHERMAL, BIOMASS AND HYDROPOWER FOR MAUFACTURING COMBUSTION AIR FOR A FOSSIL FUIEL BURNER AND FIREBOX

DECISION ON PETITION TO MAKE SPECIAL FOR NEW APPLICATION UNDER 37 C.F.R. § 1.102 & M.P.E.P. § 708.02

This is a decision on the petition filed on December 5, 2006 to make the above-identified application special for accelerated examination procedure under 37 C.F.R. § 1.102(d).

The petition to make the application special is **DENIED**.

REGULATION AND PRACTICE

To be eligible for accelerated examination under 37 C.F.R. § 1.102(d) and pursuant to the "Change to Practice for Petitions in Patent Applications to Make Special and for Accelerated Examination" published in the Federal Register on June 26, 2006 (71 Fed. Reg. 36323), the following conditions must be satisfied:

1. The application must be a non-reissue utility or design application filed under 37 CFR 1.111(a);
2. The application, the petition and the required fees must be filed electronically using the USPTO's electronic filing system (EFS), or EFS-web; if not filed electronically, a statement asserting that EFS and EFS-web were not available during the normal business hours;
3. The application, at the time of filing, must be complete under 37 CFR 1.51 and in condition for examination;
4. The application must contain three or fewer independent claims and twenty or fewer total claims and the claims must be directed to a single invention.

The application as filed is not eligible for the accelerated examination under 37 C.F.R. § 1.102(d) because it was not complete under 37 CFR 1.51 and in condition for examination at the

time of filing. The mailing of a Notice to File Corrected Application Papers on January 24, 2007 is evidence that the application was not complete and in condition for examination at the time of filing. Additionally, it does not appear that the application was filed using the EFS or EFS-web system as required and it appears that more that three independent claims are present as claims "F" and "G" also appear to define independent inventions.

The petition appears on its face to have been filed without recognition of the August 25, 2006 policy change to the petition to make special program. The changes to the program are substantial. A copy of Federal Register on June 26, 2006 (71 Fed. Reg. 36323) is being attached to the mailed decision for petitioner's review. Further guidance may be found at www.USPTO.gov under the accelerated examination link.

For the above-stated reasons, the petition is denied. The application will therefore be taken up by the examiner for action in its regular turn.

Any inquiry regarding this decision should be directed to J. Harrison, TC 3700 Special Program Examiner, at (571) 272-4449.

J. Harrison
Special Program Examiner
Technology Center 3700

UNITED STATES PATENT AND TRADEMARK OFFICE

3-6-09

Commissioner for Patents
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Patent No. : 7.476,197
Ser. No. : 11/634,322
Inventor(s) : Christopher A Wiklof, et. al.
Issued : January 13, 2009
Title : SCANNED BEAM IMAGERS AND ENDOSCOPES UTILIZING MULTIPLE LIGHT COLLECTORS
Docket No. : MVIS 06-13

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322.

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing ***incorrect or erroneous*** assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 *(see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481).* This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

In view of the foregoing, your request, in this mater, is hereby denied.

A request to correct the Assignee under 37 CFR 3.81(b) should include:

A. **the processing fee set forth in 37 CFR 1.117(h) (currently $130);**
B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (703) 872-9306
ATTN: Office of Petitions

If a fee (currently $100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, , no additional fee is required.

Eva James
For Mary Diggs
Decisions & Certificates
of Correction Branch
(703) **308-9390 ext. 124** or 125

Kevin D. Wills
Microvision, Inc.
6222 185th Ave. NE
Redmond, WA 98052

ej

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MICROVISION, INC.
6222 185TH AVENUE NE
REDMOND WA 98052

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APR 24 2009

OFFICE OF PETITIONS

In re Patent No. 7476197	:	
Issue Date: 01/13/2009	:	
Application No. 11/634322	:	ON PETITION
Filed: 12/04/2006	:	
Attorney Docket No. MVIS 06-13	:	

This is a decision on the petition filed March 16, 2009, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **GRANTED**.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3231. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

The Certificates of Correction Branch will be notified of this decision granting the petition under 37 CFR 3.81(b) and directing issuance of the requested Certificate of Correction.

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

[1] *See* MPEP 1309, subsection II; and Official Gazette of June 22, 2004.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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HOWREY LLP-HN
C/O IP DOCKETING DEPARTMENT
2941 FAIRVIEW PARK DRIVE, SUITE 200
FALLS CHURCH, VA 22042-7195

Mail Date: 04/21/2010

Applicant	: Gapgoung Kong	: DECISION ON REQUEST FOR
Patent Number	: 7651969	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/634,325	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/05/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **457** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

BEEM PATENT LAW FIRM
53 W. JACKSON BLVD., SUITE 1352
CHICAGO IL 60604-3787

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JUN 16 2008

In re Application of	:
Omer	: DECISION ON PETITION
Application No. 11/634,326	:
Filed: December 5, 2006	:
Atty. Dkt. No.: 0219-0013	:

The above-identified application has been forwarded to the Office of Petitions for consideration of the petition under 37 CFR 1.181 filed March 4, 2008.

The petition under 37 CFR 1.181 sought leave to submit a late response to the Office communication mailed March 6, 2007.

However, on March 18, 2008, the Office withdrew the Notice mailed March 6, 2007.

In view thereof, the petition is **DISMISSED AS MOOT**.

This application is being forwarded to the Office of Patent Application Processing for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3205.

Alesia M. Brown
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
www.uspto.gov

WESTMAN CHAMPLIN & KELLY, P.A.
SUITE 1400
900 SECOND AVENUE SOUTH
MINNEAPOLIS, MN 55402

Mail Date: 04/21/2010

Applicant	: Haifeng Hu	: DECISION ON REQUEST FOR
Patent Number	: 7634055	: RECALCULATION of PATENT
Issue Date	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/634,330	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/05/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **232** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
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WEIDE & MILLER, LTD.
7251 W. LAKE MEAD BLVD.
SUITE 530
LAS VEGAS NV 89128

COPY MAILED
SEP 08 2008
OFFICE OF PETITIONS

In re Application of	:	
Ripley, et al.	:	
Application No. 11/634,342	:	DECISION
Filed: 14 December, 2006	:	
Attorney Docket No. SKYWKS.0040P	:	
05SKY0022	:	

This is a decision on the petition, filed 20 June, 2008, considered as a petition under 37 C.F.R. §1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition as considered under 37 C.F.R. §1.181 is **GRANTED**.

As to the Request to Withdraw
the Holding of Abandonment

A proper showing (for relief under 37 C.F.R. §1.181):

- (as to non-receipt) requires at the very minimum: a statement from practitioner stating that the Office action was not received by the practitioner; a statement from the practitioner attesting to the fact that a search of the file jacket and docket records for the application indicates that the Office action was not received with a copy of those docket records; and a brief statement of the calendaring process and a copy of the due-date (calendar) docket record(s) where the nonreceived Office action would have been scheduled for reply had it been received must be attached to and referenced in the practitioner's statement; alternatively,

- (for a showing of timely and proper reply) requires a statement from practitioner stating that the reply was timely submitted by the practitioner; and copies of all papers submitted as and/or in support of that reply, with/and a copy of the date-stamped receipt card, Office FAX receipt acknowledgement (not simply Petitioner's FAX transmittal), or EFS

receipt acknowledgment from the Office, along with practitioner's attestation as to the correctness/completeness of his/her records.

The showing(s) must include that of the person(s) with first-hand knowledge and an acknowledgment by the Petitioner that he/she has reviewed that information in compliance with his/her duty of candor to the Office.

Petitioner's attention always is drawn to the guidance in the Commentary at MPEP §711.03(c).[1]

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[1] The Commentary at MPEP §711.03(c) provides in pertinent part:

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I. PETITION TO WITHDRAW HOLDING OF ABANDONMENT

A petition to revive an abandoned application (discussed below) should not be confused with a petition from an examiner's holding of abandonment. Where an applicant contends that the application is not in fact abandoned (e.g., there is disagreement as to the sufficiency of the reply, or as to controlling dates), a petition under 37 C.F.R. 1.181(a) requesting withdrawal of the holding of abandonment is the appropriate course of action, and such petition does not require a fee. Where there is no dispute as to whether an application is abandoned (e.g., the applicant's contentions merely involve the cause of abandonment), a petition under 37 C.F.R. 1.137 (accompanied by the appropriate petition fee) is necessary to revive the abandoned application.

Two additional procedures are available for reviving an application that has become abandoned due to a failure to reply to an Office Action: (1) a petition under 37 C.F.R. 1.137(a) based on unavoidable delay; and (2) a petition under 37 C.F.R. 1.137(b) based on unintentional delay.

A. Petition To Withdraw Holding of Abandonment Based on Failure To Receive Office Action

In *Delgar v. Schulyer*, 172 USPQ 513 (D.D.C. 1971), the court decided that the Office should mail a new Notice of Allowance in view of the evidence presented in support of the contention that the applicant's representative did not receive the original Notice of Allowance. Under the reasoning of *Delgar*, an allegation that an Office action was never received may be considered in a petition to withdraw the holding of abandonment. If adequately supported, the Office may grant the petition to withdraw the holding of abandonment and remail the Office action. That is, the reasoning of *Delgar* is applicable regardless of whether an application is held abandoned for failure to timely pay the issue fee (35 U.S.C. 151) or for failure to prosecute (35 U.S.C. 133).

To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner **>describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.

Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.

A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.<

The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office action may have been lost after receipt rather than a conclusion that the Office action was lost in the mail (e.g., if the practitioner has a history of not receiving Office actions).

Evidence of nonreceipt of an Office communication or action (e.g., Notice of Abandonment or an advisory action) other than that action to which reply was required to avoid abandonment would not warrant withdrawal of the holding of abandonment. Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment. See *Lorenz v. Finkl*, 333 F.2d 885, 889-90, 142 USPQ 26, 29-30 (CCPA 1964); *Krahn v. Commissioner*, 15 USPQ2d 1823, 1824 (E.D. Va 1990); *In re Application of Fischer*, 6 USPQ2d 1573, 1574 (Comm'r Pat. 1988).

B. Petition To Withdraw Holding of Abandonment Based on Evidence That a Reply Was Timely Mailed or Filed

37 C.F.R. 1.10(c) through 1.10(e) and 1.10(g) set forth procedures for petitioning the Director of the USPTO to accord a filing date to correspondence as of the date of deposit of the correspondence as "Express Mail." A petition to withdraw the holding of abandonment relying

Application No. 11/634,342

Petitioner seeks to provide the documentation in compliance with the Commentary at MPEP §711.03(c)(A) and/or (B) as it is set forth on the website (and included for reference herein).

BACKGROUND

The record reflects as follows:

Petitioner failed to reply timely and properly to the Notice of Missing Parts (oath/declaration) mailed on 4 September, 2007, with a reply due absent extension of time on or before Monday 5 November, 2007.

The application went abandoned by operation of law after midnight 4 November, 2007.

The Office mailed the Notice of Abandonment on 13 May, 2008.

On 20 June, 2008, Petitioner filed the petition requesting withdrawal of the holding of abandonment under 37 C.F.R. §1.181 averring timely filing supported with a copy of the dated ("OCT 03 2007") receipt card and a copy of the reply in the form of the executed oath/declaration, *inter alia*.

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upon a timely reply placed in "Express Mail" must include an appropriate petition under 37 C.F.R. 1.10(c), (d), (e), or (g) (see MPEP § 513). When a paper is shown to have been mailed to the Office using the "Express Mail" procedures, the paper must be entered in PALM with the "Express Mail" date.

Similarly, applicants may establish that a reply was filed with a postcard receipt that properly identifies the reply and provides *prima facie* evidence that the reply was timely filed. See MPEP § 503. For example, if the application has been held abandoned for failure to file a reply to a first Office action, and applicant has a postcard receipt showing that an amendment was timely filed in response to the Office action, then the holding of abandonment should be withdrawn upon the filing of a petition to withdraw the holding of abandonment. When the reply is shown to have been timely filed based on a postcard receipt, the reply must be entered into PALM using the date of receipt of the reply as shown on the post card receipt.

Where a certificate of mailing under 37 C.F.R. 1.8, but not a postcard receipt, is relied upon in a petition to withdraw the holding of abandonment, see 37 C.F.R. 1.8(b) and MPEP § 512. As stated in 37 C.F.R. 1.8(b)(3) the statement that attests to the previous timely mailing or transmission of the correspondence must be on a personal knowledge basis, or to the satisfaction of the Director of the USPTO. If the statement attesting to the previous timely mailing is not made by the person who signed the Certificate of Mailing (i.e., there is no personal knowledge basis), then the statement attesting to the previous timely mailing should include evidence that supports the conclusion that the correspondence was actually mailed (e.g., copies of a mailing log establishing that correspondence was mailed for that application). When the correspondence is shown to have been timely filed based on a certificate of mailing, the correspondence is entered into PALM with the actual date of receipt (i.e., the date that the duplicate copy of the papers was filed with the statement under 37 C.F.R. 1.8).

37 C.F.R. 1.8(b) also permits applicant to notify the Office of a previous mailing or transmission of correspondence and submit a statement under 37 C.F.R. 1.8(b)(3) accompanied by a duplicate copy of the correspondence when a reasonable amount of time (e.g., more than one month) has elapsed from the time of mailing or transmitting of the correspondence. Applicant does not have to wait until the application becomes abandoned before notifying the Office of the previous mailing or transmission of the correspondence. Applicant should check the private Patent Application Information Retrieval (PAIR) system for the status of the correspondence before notifying the Office. See MPEP §512.

C. Treatment of Untimely Petition To Withdraw Holding of Abandonment

37 C.F.R. 1.181(f) provides that, *inter alia*, except as otherwise provided, any petition not filed within 2 months from the action complained of may be dismissed as untimely. Therefore, any petition (under 37 C.F.R. 1.181) to withdraw the holding of abandonment not filed within 2 months of the mail date of a notice of abandonment (the action complained of) may be dismissed as untimely. 37 C.F.R. 1.181(f).
Rather than dismiss an untimely petition to withdraw the holding of abandonment under 37 C.F.R. 1.181(f), the Office may require a terminal disclaimer as a condition of granting an untimely petition to withdraw the holding of abandonment.

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Petitioner's showing appears to comply with the guidance in the Commentary at MPEP §711.03(c).

Out of an abundance of caution, Petitioners always are reminded that the filing of a petition under 37 C.F.R. §1.181 does not toll any periods that may be running any action by the Office and a petition seeking relief under the regulation must be filed within two (2) months of the act complained of (see: 37 C.F.R. §1.181(f)), and that those registered to practice and all others who make representations before the Office are reminded to inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[2]

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

Allegations as to the Request to
Withdraw the Holding of Abandonment

The courts have determined the construct for properly supporting a petition seeking withdrawal of a holding of abandonment.[3] (See, also, the commentary at MPEP §711.03(c)(I)(A) and (B).)

And the regulation requires that relief be sought within two (2) months of the act complained of.

Petitioner appears to have satisfied the showing requirements as discussed hereinabove.

CONCLUSION

The petition under 37 C.F.R. §1.181 is **granted**, and the 13 May, 2008, Notice of Abandonment is **vacated**.

The instant application is released to the Office of Patent Application Processing (OPAP) for further processing in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the instant decision to ensure that the revival has been acknowledged by the OPAP in response to this decision—and it is noted that all inquiries with regard to that change in status should be directed to the OPAP where that change of status must be effected.

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[2] See supplement of 17 June, 1999. The Patent and Trademark Office is relying on Petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

[3] See: Delgar v. Schulyer, 172 USPQ 513 (D.D.C. 1971).

While telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214, it is noted that all practice before the Office is in writing (see: 37 C.F.R. §1.2[4]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

/ John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

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[4] The regulations at 37 C.F.R. §1.2 provide:
§1.2 Business to be transacted in writing.
All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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www.uspto.gov

Mindray c/o Vista IP Law Group LLP
1885 Lundy Avenue
Suite 108
San Jose, CA 95131

Mail Date: 04/21/2010

Applicant	: Wei Li	: DECISION ON REQUEST FOR
Patent Number	: 7603899	: RECALCULATION of PATENT
Issue Date	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/634,345	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/04/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **59** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

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MUIRHEAD AND SATURNELLI, LLC
200 FRIBERG PARKWAY, SUITE 1001
WESTBOROUGH, MA 01581

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APR 24 2008

OFFICE OF PETITIONS

In re Application of	:	
Malcolm Lawson et al	:	
Application No. 11/634,355	:	DECISION ON PETITION
Filed: December 4, 2006	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. EMS-149US	:	

This is a decision on the petition, filed December 3, 2007, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. *See* 37 CFR 1.137(f).

The petition is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of an application filed in an eighteen-month publication country on October 10, 2007. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in an eighteen-month publication country.

In view of the above, this application became abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country or under a multilateral international agreement that requires publication of applications 18 months after filing.

A petition to revive an application abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to notify the USPTO of a foreign filing must be accompanied by:

(1) the required reply which is met by the notification of such filing in a foreign country or under a multinational treaty;
(2) the petition fee as set forth in 37 CFR 1.17(m); and
(3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

The instant petition has been found to be in compliance with 37 CFR 1.137(b). Accordingly, the failure to timely notify the USPTO of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

The previous Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded. A Notice Regarding Rescission of Nonpublication Request accompanies this decision on petition.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

This application is being referred to Technology Center Art Unit 2184 for examination in due course.

Irvin Dingle
Petition Examiner
Office of Petitions

ATTACHMENT: Notice Regarding Rescission of Nonpublication Request

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/634,355	12/04/2006	Malcolm Lawson	EMS-149US

CONFIRMATION NO. 2677

52427
MUIRHEAD AND SATURNELLI, LLC
200 FRIBERG PARKWAY, SUITE 1001
WESTBOROUGH, MA 01581

NONPUBLICATION RESCISSION LETTER

OC000000029549683

Date Mailed: 04/23/2008

Communication Regarding Rescission Of Nonpublication Request and/or Notice of Foreign Filing

Applicant's rescission of the previously-filed nonpublication request and/or notice of foreign filing is acknowledged. The paper has been reflected in the Patent and Trademark Office's (USPTO's) computer records so that the earliest possible projected publication date can be assigned.

The projected publication date is WDNP.

If applicant rescinded the nonpublication request before or on the date of "foreign filing,"[1] then no notice of foreign filing is required.

If applicant foreign filed the application after filing the above application and before filing the rescission, and the rescission did not also include a notice of foreign filing, then a notice of foreign filing (not merely a rescission) is required to be filed within 45 days of the date of foreign filing. See 35 U.S.C. § 122(b)(2)(B)(iii), and Clarification of the United States Patent and Trademark Office's Interpretation of the Provisions of 35 U.S.C. § 122(b)(2)(B)(ii)-(iv), 1272 Off. Gaz. Pat. Office 22 (July 1, 2003).

If a notice of foreign filing is required and is not filed within 45 days of the date of foreign filing, then the application becomes abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii). In this situation, applicant should either file a petition to revive or notify the Office that the application is abandoned. See 37 CFR 1.137(f). Any such petition to revive will be forwarded to the Office of Petitions for a decision. Note that the filing of the petition will not operate to stay any period of reply that may be running against the application.

Questions regarding petitions to revive should be directed to the Office of Petitions at (571) 272-3282.

[1] Note, for purpose of this notice, that "foreign filing" means "filing an application directed to the same invention in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing".

/idingle/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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DOWELL & DOWELL, PC
103 ORONOCO STREET
SUITE 103
ALEXANDRIA, VA 22314

MAILED

JUN 03 2010

OFFICE OF PETITIONS

In re Application of
Alain Tornier
Application No. 11/634,374
Filed: December 6, 2006
Attorney Docket No. 15604

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 9, 2010, to revive the above-identified application.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, September 1, 2009, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on December 2, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $810, and (3) a proper statement of unintentional delay.

In view of the above, the petition is **GRANTED**.

Telephone inquiries concerning this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

This application is being referred to Technology Center AU 3733 for appropriate action by the Examiner in the normal course of business on the reply received April 9, 2010.

April M. Wise
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

RASHIDA A. KARMALI
13TH FLOOR
99 WALL STREET
NEW YORK NY 10005

COPY MAILED
JUL 21 2008

In re Application of	:	
Rashida A. Karmali	:	
Application No. 11/634,422	:	DECISION ON PETITION
Filed: December 6, 2006	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 134.007	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed May 16, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a copy of the applicant's passport proving that she is 65 years of age or older. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Terri Williams at 571-272-2991.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 1612 for action on the merits commensurate with this decision.

T. Williams
Terri Williams
Petitions Examiner
Office of Petitions

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MAR 17 2008

OFFICE OF PETITIONS

HELLER EHRMAN LLP
4350 LA JOLLA VILLAGE DRIVE, SUITE 700
SEVENTH FLOOR
SAN DIEGO, CA 92122

In re Application of	:	
PETERSEN, Peter H.	:	
Application No. 11/634,435	:	DECISION ON PETITION
Filed: December 5, 2006	:	TO WITHDRAW
Attorney Docket No. **41530-0003**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 17, 2007.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to **HELLER EHRMAN LLP** has been revoked by the assignee of the patent application on December 3, 2007. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-7253.

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **KONRAD RAYNES & VICTOR, LLP**
ATTN: IBM54
315 SOUTH BEVERLY DRIVE, SUITE 210
BEVERLY HILLS CA 90212

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MCANDREWS HELD & MALLOY, LTD
500 WEST MADISON STREET
SUITE 3400
CHICAGO IL 60661

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JUL 2 0 2007

OFFICE OF PETITIONS

In re Application of	:	
Donna Squillace	:	
Application No. 11/634,436	:	DECISION ON PETITION
Filed: 12/05/2006	:	
Attorney Docket No. 17229US02	:	

This is a decision on the petition filed January 30, 2007, requesting that the Office accord the above-identified application a filing date of December 5, 2006, with Figure 34 as part of the original disclosure.

On December 5, 2006, applicant filed the above-identified application. On December 28, 2006, the Office of Initial Patent Examination mailed a Notice to File Missing Parts of Nonprovisional Application, which stated, *inter alia*, that the application had been accorded a filing date of December 5, 2006, but informing applicant that the drawing of Figure 34 as described in the specification appeared to have been omitted.

On January 30, 2007, applicant submitted, *inter alia*, the present petition, a copy of Figure 34, and the $400.00 petition fee. Applicant asserted that she submitted Figure 34 with the original application papers filed on December 5, 2006. In support of the assertion, the petition is accompanied by a copy of applicant's date-stamped postcard receipt, which acknowledges receipt in the USPTO of 41 sheets of drawings on December 5, 2006.

Upon a review of the record, the Office received 41 sheets of drawings on December 5, 2006. Page 34 of the 41 drawing sheets did not show any figures, but rather was blank. Upon further investigation, it appears that the image of Figure 34 was not properly captured upon scanning. Instead, it seems that the Office mistakenly scanned the backside of page 34 of the drawing sheets, which contained Figure 34. For this reason, the Office mistakenly concluded that applicant did not submit Figure 34 on filing the application.

Accordingly, the petition is **granted**. The requirement for Figure 34 set forth in the Notice mailed on December 28, 2006, was sent in error. **The Office realizes this mistake and has re-scanned Figure 34 into the Image File Wrapper.**

This matter is being forwarded to the Office of Initial Patent Examination for further processing with a filing date of **December 5, 2006,** and to acknowledge in the record that 41 sheets of drawings (including Figure 34) were present on filing.

The $400.00 petition fee is unnecessary, and therefore, will be refunded by to the Deposit Account.

Any inquiries related to this decision should be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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REGENERATION TECHNOLOGIES, INC.
c/o MCANDREWS, HELD & MALLOY
500 WEST MADISON STREET
34TH FLOOR
CHICAGO, IL 60661

Mail Date: 05/11/2010

Applicant	: Donna Squillace	: DECISION ON REQUEST FOR
Patent Number	: 7658706	: RECALCULATION of PATENT
Issue Date	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/634,436	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/05/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **301** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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DAY PITNEY LLP
ACCOUNT: ILLINOIS TOOL WORKS INC.
7 TIMES SQUARE
NEW YORK, NY 10036-7311

Mail Date: 04/27/2010

Applicant	: Henry Swain	: DECISION ON REQUEST FOR
Patent Number	: 7690090	: RECALCULATION of PATENT
Issue Date	: 04/06/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/634,447	: OF WYETH
Filed	: 12/06/2006	:
		:

The Patentee's Request for Recalculation is **DISMISSED.**

This Request is deemed ineligible for consideration for one or more of the following reasons:

(A). The patent for which PTA recalculation is requested is either a design or reissue application or is a reexamination proceeding;

(B). The patent for which PTA recalculation is requested resulted from a utility or plant application filed under 35 USC 111(a) before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(C). The patent for which PTA recalculation is requested resulted from an international application in which the international filing date was before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(D). The patent for which PTA recalculation is requested issued on/after March 2, 2010;

(E). The Request for Recalculation was filed more than 180 days after the grant date of the patent and the request was not filed within two months of a dismissal of a request for reconsideration of the of the patent term under 37 CFR 1.705(d);

(F). The Request for Recalculation is not solely limited to USPTO pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A);

or

(G). A civil action was filed pursuant to 35 U.S.C. 154(b)(4)(A)concerning the same patent at issue in this request.

Patentee may file a reply to this decision dismissing the Request for Recalculation. Patentee must file such reply within one month or thirty days, whichever is longer, of the mail date of the decision dismissing the Request for Recalculation. No fee is required if patentee is asserting in the reply that the dismissal for ineligibility is improper.

Patentee should use document code PET.OP if electronically filing a reply to this dismissal. If the USPTO finds that the request was improperly deemed ineligible, the USPTO will mail applicant a recalculation determination.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A). Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154 (b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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CHRISTIE PARKER & HALE, LLP
P.O. BOX 7068
PASADENA, CA 91109-7068

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OCT 1 4 2008

OFFICE OF PETITIONS

In re Application of	:	
Robert A. Reyes III	:	
Application No. 11/634,449	:	DECISION ON PETITION
Filed: December 5, 2006	:	
Attorney Docket No. 58580/R676	:	

This is a decision on the petition under 37 CFR 1.182, filed, May 30, 2008, to correct the spelling of the inventor from "Robert A. Reyes III" to – Robert A. Reyes II --.

The petition is **DISMISSED**.

The $400 fee for the petition under 37 CFR 1.182 has not been received. The petition can not be granted until the $400 petition fee is received.

Any questions concerning this matter may be directed to Irvin Dingle at (571) 272-3210.

/Irvin Dingle/
Irvin Dingle
Petition Examiner
Office of Petitions

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United States Patent and Trademark Office
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OCT 23 2009

OFFICE OF PETITIONS

CHRISTINE PARKER & HALE, LLP
PO BOX 7068
PASADENA, CA 91109-7068

In re Application of	:	
Robert A. Reyes II	:	
Application No. 11/634,449	:	DECISION ON PETITION
Filed: December 5, 2006	:	
Attorney Docket No. 58580/R676	:	

This is a decision on the renewed petition under 37 CFR 1.182, filed, November 26, 2008, to correct the spelling of the name of inventor "Robert A. Reyes III" to – Robert A. Reyes II --.

The petition is **GRANTED**.

Office records have been corrected to reflect the correct spelling of the above-named inventor. A corrected Filing Receipt, which sets forth the correct spelling of the above-named inventor, accompanies this decision on petition.

As authorized, the $400 fee for the petition under 37 CFR 1.182 has been assessed to petitioner's deposit account.

Any questions concerning this matter may be directed to Irvin Dingle at (571) 272-3210.

Irvin Dingle
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/634,449	12/05/2006	3633	700	58580/R676	20	5

CONFIRMATION NO. 4020

CORRECTED FILING RECEIPT

23363
CHRISTIE, PARKER & HALE, LLP
PO BOX 7068
PASADENA, CA 91109-7068

OC000000038335146

Date Mailed: 10/23/2009

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Robert A. Reyes II, Temple City, CA;

Power of Attorney: The patent practitioners associated with Customer Number 23363

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/808,203 05/24/2006

Foreign Applications

If Required, Foreign Filing License Granted: 12/28/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/634,449**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No
**** SMALL ENTITY ****

Title

Fully insulated glass panel rolling door

Preliminary Class

052

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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DENNIS C. NICHOLS
2110 N. 147TH STREET
BASEHOR, KS 66007-9623

MAILED

MAY 24 2010

OFFICE OF PETITIONS

In re Application of
Dennis C. Nichols
Application No. 11/634,453
Filed: December 7, 2006
Attorney Docket No. N/A

ON PETITION

This is a decision on the petition under 37 CFR 1.137(a), filed December 10, 2009, to revive the above-identified application.

The petition is **dismissed**.

The rules and statutory provisions governing the operations of the U.S. Patent and Trademark Office require payment of a fee on filing each petition to revive an abandoned application for patent based on unavoidable delay or to accept an unavoidably delayed payment of a fee for issuing a patent. In this instance, the fee required by law is $270. If this application is no longer entitled to small entity status, the petition fee required by law is $540.

Since the present petition was not accompanied by the required $270 petition fee, no consideration on the merits can be given to the present petition until the required fee is received.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Any questions concerning this matter may be directed to Andrea Smith at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

David Bucci
Petitions Examiner

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MCDONALD HOPKINS LLC
600 Superior Avenue, East
Suite 2100
CLEVELAND OH 44114-2653

COPY MAILED

AUG 15 2008

In re Application of	:	
Jose Correa Neto	:	
Application No.: 11/634489	:	DECISION ON
Filing or 371(c) Date: 12/06/2006	:	PETITION
Attorney Docket Number: 25433-00376	:	

This is a decision in response to the "Petition to Withdraw the Holding of Abandonment Under 37 C.F.R. 1.181(a)," filed June 30, 2008.

This Petition is hereby **granted**.

The Office mailed a Notice to File Missing Parts of Nonprovisional Application on January 3, 2007, requiring a properly signed oath or declaration and late filing oath or declaration surcharge. The Notice was withdrawn and a new Notice to File Missing Parts of Nonprovisional Application ("Notice"), mailed September 11, 2007. The Notice required a properly signed oath or declaration and late filing oath or declaration surcharge, and set a two (2) month period for reply. No reply having been received, the application became abandoned on November 12, 2007. A Notice of Abandonment was mailed May 29, 2008.

Applicant files the present petition and asserts that a timely reply to the originally-mailed Notice was filed February 22, 2007, as evidence by Applicant's return receipt postcard, a copy of which is filed with the petition; and a timely response to the second Notice, mailed September 11, 2007 was filed using the Certificate of Mailing provisions of 37 CFR 1.8 dated October 9, 2007. A copy of the response filed under 37 CFR 1.8 and dated October 9, 2007 has also been filed with the petition.

A review of the response filed under 37 CFR 1.8 with the Certificate of Mailing dated October 9, 2007, reveals that the Certificate of Mailing was executed by Marianne Vasquez. A statement attesting to the mailing of the reply on October 9, 2007 has been included with the petition.

The file record does not include the originally submitted papers. Failure to receive correspondence which includes a certificate of mailing or certificate of facsimile transmission is addressed in 37 CFR 1.8(b), reproduced below:

In the event that correspondence is considered timely filed by being mailed or transmitted in accordance with paragraph (a) of this section, but not received in the U.S. Patent and Trademark Office after a reasonable amount of time has elapsed from the time of mailing

> or transmitting of the correspondence, or after the application is held to be abandoned, or after the proceeding is dismissed or decided with prejudice, or the prosecution of a reexamination proceeding is terminated pursuant to § 1.550(d) or § 1.957(b) or limited pursuant to § 1.957(c), or a requester paper is refused consideration pursuant to §a), the
> correspondence will be considered timely if the party who forwarded such correspondence:
> (1)Informs the Office of the previous mailing or transmission of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence;
> (2)Supplies an additional copy of the previously mailed or transmitted correspondence and certificate; and
> (3)Includes a statement that attests on a personal knowledge basis or to the satisfaction of the Director to the previous timely mailing, transmission or submission. If the correspondence was sent by facsimile transmission, a copy of the sending unit's report confirming transmission may be used to support this statement. If the correspondence was transmitted via the Office electronic filing system, a copy of an acknowledgment receipt generated by the Office electronic filing system confirming submission may be used to support this statement.
> (c) The Office may require additional evidence to determine if the correspondence was timely filed.

Applicant has complied with the requirements of 37 CFR 1.8(b). Additionally, Office records reveal that the late filing oath or declaration surcharge was received in this Office on February 22, 2007. A preponderance of the evidence demonstrates that a timely reply was filed.
in this application, and that this Office charged the late filing oath or declaration surcharge to applicants deposit account on February 22, 2007.

In view of the foregoing, the petition is granted. The holding of abandonment is hereby withdrawn.

No petition fee has been charged and none is due.

The application will be referred to the Office of Patent Application Processing for processing of the Reply, including the oath/declaration, and for continued processing in due course.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

/Derek L. Woods/
Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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CESARI AND MCKENNA, LLP
88 BLACK FALCON AVENUE
BOSTON, MA 02210

Mail Date: 05/04/2010

Applicant	: James A. Taylor	: DECISION ON REQUEST FOR
Patent Number	: 7647526	: RECALCULATION of PATENT
Issue Date	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/634,497	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/06/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **462** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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COMMISSIONER FOR PATENTS
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The Dow Chemical Company
Intellectual Property Section
P.O. Box 1967
Midland MI 48641-1967

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MAR 1 8 2008

OFFICE OF PETITIONS

In re Application of :
Schramm, et al. :
Application No. 11/634,503 : DECISION ON PETITION
Filed: December 6, 2006 :
Attorney Docket No. 61891B US :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 28, 2008, to revive the above-identified application.

The petition is GRANTED.

The application became abandoned September 14, 2007 for failure to reply in a timely manner to the non-final Office action mailed June 13, 2007. The non-final Office action set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Notice of Abandonment was mailed December 26, 2007

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied the required reply, the required petition fee, and a proper statement of unintentional delay.

The application file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition. The Office will mail all future correspondence solely to the address of record.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. *See* In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the $1,050.00 extension of time fee submitted with the instant petition was subsequent to the maximum extendable period for reply, petitioner is entitled to a refund. A refund has been requested from the Finance Office, Refund Section..

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3205.

This application is being referred to Technology Center AU 1796 for appropriate action by the Examiner in the normal course of business on the reply received.

Alesia M. Brown
Petitions Attorney
Office of Petitions

CC: Jane M. Terry
THE DOW CHEMICAL CO.
2030 Dow Center
Midland, Michigan 48674

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United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/634,506	12/06/2006	Christopher K. Crowell	01017/41658A	6245

4743 7590 02/22/2010
MARSHALL, GERSTEIN & BORUN LLP
233 SOUTH WACKER DRIVE
6300 SEARS TOWER
CHICAGO, IL 60606-6357

EXAMINER
DEBERRY, REGINA M

ART UNIT	PAPER NUMBER
1647	

MAIL DATE	DELIVERY MODE
02/22/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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FEB 22 2010

MARSHALL, GERSTEIN & BORUN LLP
233 SOUTH WACKER DRIVE
6300 SEARS TOWER
CHICAGO IL 60606-6357

In re Application of:	:
Crowell et al.	:
Serial No.: 11/634,506	: PETITION DECISION
Filed: December 6, 2006	:
Attorney Docket No.: **01017/41658A**	:

This is in response to the petition under 37 CFR § 1.181, filed November 16, 2009, requesting that the finality of the Office action of September 14, 2009 be withdrawn.

The delay in responding to this petition is regretted but it has only recently come to the attention of the deciding Official.

BACKGROUND

The examiner mailed a non-final Office action on March 13, 2009 setting a three month statutory limit for reply. At the time of this non-final Office action, claims 1-22 were pending. The examiner rejected claims 19 and 20 under 35 USC 102 (b) as being anticipated by Kaufman et al. Claims 1, 3, 4, 6-16, 21 and 22 were rejected under 35 USC 103 (a) as being unpatentable over Kaufman et al. in view of Andersen et al. Claims 2, 5, 17 and 18 were objected to because they depend from a rejected claim.

In reply to the non-final Office action of March 13, 2009, applicants filed a response on June 15, 2009. The response submitted by applicants included remarks, arguments traversing the rejections made in the non-final Office action and amendments to the claims. Claims 20 and 21 were cancelled.

On September 14, 2009, the examiner mailed a final Office action setting a three month statutory limit for reply. At the time of this final Office action, claims 1-19 and 22 were pending. Claims 1, 3, 4, 6-16 and 22 were again rejected, as well as newly amended claim 19, under 35 USC 103

(a) as being unpatentable over Kaufman et al. in view of Andersen et al. Claims 19 and 22 were newly rejected under 35 USC 102 (b) as being anticipated by Builder et al. Claims 2 and 5 remained objected to because they depend from a rejected claim.

In response thereto, applicants filed this petition on November 16, 2009, requesting that the finality of the Office action of September 14, 2009 be withdrawn.

DISCUSSION

The petition and the file history have been carefully considered.

In the petition filed by applicants on November 16, 2009, applicants request that the finality of the Office action of September 14, 2009 be withdrawn as improper. Specifically, applicants argue that "The September 14, 2009 second and final Office action withdrew the rejection made in the first Office action under 35 U.S.C. § 102(b) but instituted a new rejection under § 102(b) *citing a new reference.* The final Office action further stated that the Applicant's amendments caused new grounds for rejection, and thus the second Office action was made final. Applicants submit that the finality of the second Office action was improper because Applicants' amendments merely incorporated limitations from *previous dependent claims already under examination.*" Specifically, applicants point out "The amendment to claim 19, for example, merely incorporates limitations in canceled claims 20 and 21 and, therefore, the subject matter of amended claim 19 was already contemplated in dependent claim 21 before it was canceled."

Applicants' argument is well taken and persuasive since applicants' amendments did not necessitate the new rejection. The amendments of June 15, 2009 essentially incorporated limitations from previous dependent claims before the examiner at the time of the non-final Office action of March 13, 2009. MPEP § 706.07 recites:

> Under present practice, second or any subsequent actions on the merits shall be final, except where the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p).

Thus, it is *not* proper for an office action to be made final when the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c). Accordingly, it is decided that Applicants' argument is well-taken and found persuasive.

DECISION

The petition is **GRANTED.**

The Office action mailed September 14, 2009 is hereby vacated to the extent that it was made "final" and the Office action is now considered to be a non-final Office action. The after final amendment of November 16, 2009 will also be entered. This application will be forwarded to the examiner to take an action consistent with the decision herein.

Should there be any questions about this decision please contact Marianne C. Seidel, by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 703-872-9306.

George C. Elliott

George Elliott
Director, Technology Center 1600

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KAMMER BROWNING PLLC
7700 BROADWAY, SUITE 202
SAN ANTONIO TX 78209

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MAR 16 2009

OFFICE OF PETITIONS

In re Application of	:	
Kim et al.	:	
Application No. **11**/634525	:	ON PETITION
Filing Date: 12/05/2006	:	
Attorney Docket Number: SwRI 3179 US	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 3, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of March 24, 2008. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). No extensions of time pursuant to the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the date of abandonment of this application is June 25, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee, and the submission required by 37 CFR 1.114; (2) the petition fee; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3232.

This application is being referred to Technology Center AU 2863 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

/Derek L. Woods/
Derek L. Woods
Attorney
Office of Petitions

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WARE FRESSOLA VAN DER SLUYS &
ADOLPHSON LLP
BRADFORD GREEN BUILDING 5
755 MAIN STREET P O BOX 224
MONROE CT 06468

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JUN 21 2007

OFFICE OF PETITIONS

In re Application of	:	
Chan, et al.	:	
Application No. 11/634,528	:	DECISION REFUSING STATUS
Filed: December 5, 2006	:	UNDER 37 CFR 1.47(a)
Attorney Docket No. 944-004.65-1	:	

This is in response to the petition under 37 CFR 1.47(a), filed June 1, 2007 (Certificate of Mailing dated May 29, 2007).

The petition under 37 CFR 1.47(a) is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventors. **Failure to respond will result in abandonment of the application.** Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed on December 5, 2006. On December 29, 2006, the Office of Initial Patent Examination mailed a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted," requiring an executed oath or declaration and a surcharge for its late filing, together with the statutory basic filing fee and additional claims fee. This Notice set a two-month period for reply.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor(s) cannot be reached or refuses to sign the oath or declaration **after having been presented with the**

application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 37 CFR 1.63; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor(s). The instant petition does not satisfy item (1).

As to item (1), the petition and accompanying evidence have been carefully considered. However, it has not been demonstrated that a copy of the application papers (comprising the specification, claims, and drawings) was sent to the non-signing inventors. Petitioner simply states that he sent e-mails to the inventors requesting them to execute needed documents. No mention is made as to what specifically was sent.

Regarding an inventor's refusal to join in the application, Manual of Patent Examining Procedure § 409.03(d) states:

> It is reasonable to require that the inventor be presented with the application papers before a petition under 37 CFR 1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. In re Gray, 115 U.S.P.Q. 80 (Comm'r Pat. 1956).

The $200 petition fee and $1020 fee for the three month extension of time (necessary to make the instant petition timely in response to the December 29, 2006 Notice to File Missing Parts) have been charged to Deposit Account No. 23-0442, as authorized.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

By FAX: (571)273-8300
Attn: Office of Petitions

Telephone inquiries related to this decision may be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

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DEC 0 5 2007

OFFICE OF PETITIONS

In re Application of	:	
Chan, et al.	:	
Application No. 11/634,528	:	DECISION NOTING JOINDER
Filed: December 5, 2006	:	OF INVENTOR AND PETITION
Attorney Docket No. 944-004.65-1	:	UNDER 1.47(a) MOOT

This is in response to the petition under 37 CFR 1.47(a), filed September 19, 2007.

The above-identified application was filed on December 5, 2006. On December 29, 2006, the Office of Initial Patent Examination mailed a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted," requiring an executed oath or declaration and a surcharge for its late filing, together with the statutory basic filing fee and additional claims fee. This Notice set a two-month period for reply. Applicants filed a petition under 37 CFR 1.47(a) on June 1, 2007, made timely by including a Certificate of Mailing dated May 29, 2007, and by obtaining a three month extension of time. However, the petition was dismissed in a decision mailed on June 21, 2007.

In view of the **joinder** of inventors Chan and Carrion-Rodrigo, further consideration under 37 CFR 1.47(a) is not necessary and the petition is considered to be **moot**. This application does not have any Rule 1.47(a) status and no such status should appear on the file wrapper. This application need not be returned to this Office for further consideration under 37 CFR 1.47(a).

The matter is being forwarded to the Office of Patent Application Processing for pre-examination processing.

Telephone inquiries related to this decision may be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

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WILMINGTON, DE 19805

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APR 0 3 2008

OFFICE OF PETITIONS

In re Application of :
Ken Stephen Schermacher et al :
Application No. 11/634,553 : ON PETITION
Filed: December 5, 2006 :
Attorney Docket No. FA1187 US NA :

This is a decision on the petition to change the order of inventor names under 37 CFR 1.182 filed January 7, 2008.

The petition is **GRANTED.**

The order of the names of the inventors has been changed to the following:

1. Ken Stephen Schermacher
2. Anthony Joseph Martino
3. Matthew Paul Reinhardt
4. Thomas W. Simpson III
5. Jason R. Juhasz
6. Jeff B. Alspach

As authorized, the $400 fee for the petition under 37 CFR 1.182 has been assessed to petitioner's deposit account.

Telephone inquiries concerning this matter may be directed to Irvin Dingle at (571) 272-3210.

Irvin Dingle
Petitions Examiner
Office of Petitions

Attachment: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/634,553	12/05/2006	2886	1130	FA1187 US NA	15	1

CONFIRMATION NO. 4717

CORRECTED FILING RECEIPT

23906
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LEGAL PATENT RECORDS CENTER
BARLEY MILL PLAZA 25/1122B
4417 LANCASTER PIKE
WILMINGTON, DE 19805

OC000000029239940

Date Mailed: 04/04/2008

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Ken Stephen Schermacher, Chadds Ford, PA;
Anthony J. Martino, West Chester, PA;
Matthew Paul Reinhardt, Richmond, VA;
Thomas W. Simpson III, Boothwyn, PA;
Jason R. Juhasz, Hockessin, DE;
Jeff B. Alspach, Lake Orion, MI;

Assignment For Published Patent Application

E. I. DUPONT DE NEMOURS AND COMPANY, WILMINGTON, DE

Power of Attorney: The patent practitioners associated with Customer Number 23906

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/742,354 12/05/2005

Foreign Applications

If Required, Foreign Filing License Granted: 12/28/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/634,553**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Liquid measurement cell having a transparent partition therein

Preliminary Class

356

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indlcated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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(C/O PATENT ADMINISTRATOR)
2900 K STREET NW, SUITE 200
WASHINGTON, DC 20007-5118

Mail Date: 04/21/2010

Applicant	: Wade A. Krull	: DECISION ON REQUEST FOR
Patent Number	: 7666771	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/634,565	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/06/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **324** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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HOFFMANN-LA ROCHE INC.
PATENT LAW DEPARTMENT
340 KINGSLAND STREET
NUTLEY, NJ 07110

Mail Date: 06/02/2010

Applicant	: David Banner	: DECISION ON REQUEST FOR
Patent Number	: 7696240	: RECALCULATION of PATENT
Issue Date	: 04/13/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/634,584	: OF WYETH
Filed	: 12/05/2006	:
		:

The Patentee's Request for Recalculation is **DISMISSED.**

This Request is deemed ineligible for consideration for one or more of the following reasons:

(A). The patent for which PTA recalculation is requested is either a design or reissue application or is a reexamination proceeding;

(B). The patent for which PTA recalculation is requested resulted from a utility or plant application filed under 35 USC 111(a) before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(C). The patent for which PTA recalculation is requested resulted from an international application in which the international filing date was before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(D). The patent for which PTA recalculation is requested issued on/after March 2, 2010;

(E). The Request for Recalculation was filed more than 180 days after the grant date of the patent and the request was not filed within two months of a dismissal of a request for reconsideration of the of the patent term under 37 CFR 1.705(d);

(F). The Request for Recalculation is not solely limited to USPTO pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A);

or

(G). A civil action was filed pursuant to 35 U.S.C. 154(b)(4)(A)concerning the same patent at issue in this request.

Patentee may file a reply to this decision dismissing the Request for Recalculation. Patentee must file such reply within one month or thirty days, whichever is longer, of the mail date of the decision dismissing the Request for Recalculation. No fee is required if patentee is asserting in the reply that the dismissal for ineligibility is improper.

Patentee should use document code PET.OP if electronically filing a reply to this dismissal. If the USPTO finds that the request was improperly deemed ineligible, the USPTO will mail applicant a recalculation determination.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A). Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154 (b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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NIXON PEABODY, LLP
300 S. Riverside Plaza, 16th Floor
CHICAGO, IL 60606-6613

Mail Date: 04/21/2010

Applicant	: Aart Zeger van Halteren	: DECISION ON REQUEST FOR
Patent Number	: 7657048	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/634,586	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/06/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **693** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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THE FARRELL LAW FIRM, LLP
290 BROADHOLLOW ROAD
SUITE 210E
MELVILLE NY 11747

MAILED

JUL 19 2010

OFFICE OF PETITIONS

In re Application of	:	
GOUMA, Pelagia-Irene	:	
Application No. 11/634,590	:	DECISION ON PETITION
Filed: December 06, 2006	:	TO WITHDRAW
Attorney Docket No. **788-56 (R7863)**	:	FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 09, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Paul Farrell on behalf of all attorneys of record who are associated with customer No. 66547. All attorneys/agents associated with the Customer Number 66547 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below. There is an outstanding Office action mailed May 25, 2010 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

cc: **THE RESEARCH FOUNDATION OF STAT OF NEW YORK**
OFFICE OF TECHNOLOGY AND INDUSTRIAL RELATIONS:
SUNY AT STONY BROOK
STONY BROOK NY 11794-3369

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OFFICE OF PETITIONS

PATENTS+TMS, P.C.
2849 W. ARMITAGE AVE.
CHICAGO IL 60647

In re Application of

FRYBARGER, Scott
Application No. 11/634,594
Filed: December 05, 2006
Attorney Docket No. **FRY-P-06-001**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 29, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Brian Mattson, the sole attorney of record. Brian Mattson has been withdrawn as attorney or agent of record. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the inventor Scott Frybarger at the address indicated below. There is an outstanding Office action mailed January 29, 2009, that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **SCOTT FRYBARGER**
1008 HARRISON ST.
HOLLYWOOD FL 33019

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KINNEY & LANGE, P.A.
THE KINNEY & LANGE BUILDING
312 SOUTH THIRD STREET
MINNEAPOLIS, MN 55415-1002

Mail Date: 04/21/2010

Applicant	: Theodore Clifton Powers	: DECISION ON REQUEST FOR
Patent Number	: 7642683	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/634,607	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/06/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **344** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

OK to enter
D.P. 4/13/2010

WATERMARKING

BACKGROUND

[0001] The present illustrative embodiments are related to methods and systems for providing a watermark in a printed version of an image. The systems and methods provide at least one augmenting or additional colorant in addition to the typical customary, common or ordinary subtractive primary colorants (i.e., cyan, yellow, magenta and/or black primary colorants). The additional or augmenting colorants are atypical, uncommon or extended set colorants (i.e., not full load cyan, magenta, yellow or black). Increasing the number of available colorants increases the number of colors for which alternative colorant recipes can be found. Watermark information is used to select between alternate colorant recipes or colorant selection functions. For the most part, embodiments will be described in terms of systems that include the four subtractive primary colorants. However, embodiments can readily be adapted for systems that use other or fewer primary colorants. For example, an embodiment adapted for black and white imaging systems can include a means for providing a low-load black or gray colorant in addition to a customary or common subtractive black colorant.

[0002] There are many reasons for hiding data or providing a watermark in an image. Watermarks or hidden information are provided in printed documents to provide a method for authenticating a document. For example, many bank checks and/or negotiable securities include watermarks in order to combat fraud and counterfeiting. Additionally, watermarks are provided in images as a means for covert communication. Watermarking can also be used to provide information regarding the watermarked image or document.

[0003] For example, U.S. Patent No. 7,070,252 B2 to de Queiroz, et al., which issued July 4, 2006, describes selecting between gray color replacement (GCR) techniques to encode rendering hints or tags, for guiding the reproduction of copies of the image, in printed versions of the image.

[0004] Proportional amounts of the subtractive primary colorants, cyan, magenta and yellow, combine to absorb all of the wavelengths of the visible spectrum. Accordingly, when a colorant recipe for producing a color calls for respective

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/634,734	12/06/2006	Katsunori Iwamoto	FUJY 22.841	5402

7590 09/08/2009
KATTEN MUCHIN ROSENMAN LLP
575 MADISON AVENUE
NEW YORK, NY 10022-2585

EXAMINER
KUNTZ, CURTIS A

ART UNIT	PAPER NUMBER
2614	

MAIL DATE	DELIVERY MODE
09/08/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Nioni Farmer

Patent Publication Branch
Office of Data Management

Adjustment date: 09/08/2009 NFARMER
12/06/2006 HLE333 00000008 501290 11634734
02 FC:1111 500.00 CR
04 FC:1202 350.00 CR

FORM PET651G (Rev. 08/07)

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BERLINER & ASSOCIATES
555 WEST FIFTH STREET
31ST FLOOR
LOS ANGELES, CA 90013

MAILED

MAY 13 2010

OFFICE OF PETITIONS

In re Application of	:	
Galen D. Stucky et al	:	
Application No. 11/634,744	:	ON PETITION
Filed: December 5, 2006	:	
Attorney Docket No. 1279-262D1		

This is a decision on the petition, filed May 11, 2010 and supplemented on May 12, 2010 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on March 26, 2010 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 1796 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

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[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

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CHARLES F. MERONI, JR.
P.O. BOX 309
BARRINGTON, IL 60011

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OFFICE OF PETITIONS

In re Application of	:	
Douglas P. Morris, et al.	:	
Application No. 11/634,780	:	DECISION ON PETITION
Filed: December 5, 2006	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 06247	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed December 5, 2006, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a declaration statement signed by applicant Donald Fisher. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3711 for action on the merits commensurate with this decision.

April M. Wise
Petitions Examiner
Office of Petitions

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/634,794	12/07/2006	Haoran Hu	05-ERC-051DIV1	4954

7590 07/30/2008

PAUL V. KELLER, LLC
4585 LIBERTY RD.
SOUTH EUCLID, OH 44121

EXAMINER
NGUYEN, TU MINH

ART UNIT	PAPER NUMBER
3748	

MAIL DATE	DELIVERY MODE
07/30/2008	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Betty Powell

Patent Publication Branch
Office of Data Management

Adjustment date: 07/31/2008 BPOWELL
12/08/2006 LWONDIM1 00000016 11634794
02 FC:1111 -500.00 OP

Adjustment date: 07/31/2008 BPOWELL
12/08/2006 LWONDIM1 00000016 11634794
02 FC:1111 -500.00 OP

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OCT 27 2008

ALFRED M. WALKER
225 OLD COUNTRY ROAD
MELVILLE NY 11747-2712

In re Application of	:	
Charles W. Darling, III et al.	:	
Application No. 11/634,800	:	ON PETITION
Filed: December 6, 2006	:	
Attorney Docket No.: **261113DarDetxCn**	:	

This is a decision on the petition filed October 2, 2008 under 37 CFR 1.137(b),[1] to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely reply to the non-Final Office Action mailed March 11, 2008. A shortened statutory period of three months was set for replying to the non-Final Office Action. No extensions of time having been requested, this application became abandoned June 12, 2008. Accordingly, a Notice of Abandonment was mailed September 22, 2008.

This matter is being referred to Technology Center 3752 for appropriate action on the amendment filed October 2, 2008.

Telephone inquiries concerning this matter should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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[1]Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may required additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

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OFFICE OF PETITIONS

DOCKET CLERK
P.O. DRAWER 800889
DALLAS, TX 75380

In re Application of	:	
Michael S. HYNEK	:	
Application No. 11/634,802	:	DECISION ON PETITION TO
Filed: August 23, 2005	:	WITHDRAW FROM RECORD
Attorney Docket No. **D75202-104517**	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 11, 2008.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request was signed by John T. Mockler on behalf of all attorneys of record. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future communications from the Office will be directed to the sole named signing inventor **Michael S. HYNEK** at the address below until otherwise properly notified by the applicant.

The application became abandoned for failure to timely respond to the Office action mailed February 17, 2009.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7253.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

cc: **MICHAEL S. HYNEK**
17519 MUIRFIELD DRIVE
DALLAS, TX 75287

Attachment: Power/Revocation/New Power Of Attorney with Address Change (PTO/SB/81)

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KAGAN BINDER, PLLC
SUITE 200, MAPLE ISLAND BUILDING
221 MAIN STREET NORTH
STILLWATER, MN 55082

Mail Date: 08/02/2010

Applicant	: Mark T. Girard	: DECISION ON REQUEST FOR
Patent Number	: 7656540	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/634,813	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/06/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **86** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/634,832	12/06/2006	Reid Bornhoft	22570-082001	3965

7590 05/27/2008
FISH & RICHARDSON P.C.
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

EXAMINER

ART UNIT	PAPER NUMBER
3766	

MAIL DATE	DELIVERY MODE
05/27/2008	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

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Adjustment date: 06/06/2008  KKING1
04/03/2007 INTEFSW  00000855 500471   11634832
02 FC:2111        250.00 CR
04 FC:2202        525.00 CR
05 FC:2201        200.00 CR
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/634,832	12/06/2006	Reid Bornhoft	22570-082001	3965

7590 05/27/2008
FISH & RICHARDSON P.C.
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

EXAMINER

ART UNIT	PAPER NUMBER
3766	

MAIL DATE	DELIVERY MODE
05/27/2008	PAPER

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(c)

The declaration of express abandonment will not be recognized

This is in response to the petition under 37 CFR 1.138(c), for express abandonment to avoid publication of the above-identified application.

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

1. ☑ The petition under 37 CFR 1.138(c) was not filed in sufficient time to permit the appropriate officials to recognize the abandonment and remove the application from the publication process.
2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
3. ☐ The Application was published in compliance with 35 U.S.C. 122(b), and it is available on the USPTO web site at http://www.uspto.gov/patft/index.html.
4. ☐ Petition fee was not paid.

The application **has/will be published** as scheduled.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

FORM PET650D (Rev. 08/07)

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MCCARTER & ENGLISH, LLP STAMFORD
CANTERBURY GREEN
201 BROAD STREET, 9TH FLOOR
STAMFORD CT 06901

MAILED

MAY 28 2010

OFFICE OF PETITIONS

In re Application of	:	
Beagley et al.	:	
Application No. 11/634,909	:	DECISION ON PETITION
Filed: September 6, 2006	:	
Attorney Docket No. 114634.00050	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 15, 2010, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before March 29, 2010, as required by the Notice of Allowance and Fee(s) Due mailed December 29, 2009. Accordingly, the date of abandonment of this application is March 30, 2010. A Notice of Abandonment was mailed April 21, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $1,510.00 and publication fee of $300.00; (2) the petition fee of $1,620.00; and (3) a proper statement of unintentional delay.

Further, although the petition is signed by the attorney of record it does not set forth a USPTO registration number. Petitioner should note that all documents submitted before the United States Patent and Trademark Office by a registered patent attorney must contain his/her registration number. However, the accompanying document does include the signature and registration number for Aaron P. Bumgarner, the attorney of record. Therefore, the petition is accepted as being properly signed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

This application is being referred to the Office of Data Management for processing into a patent.

Joan Olszewski

Joan Olszewski
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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FutureWei Technologies, Inc.
IPR & Standards Department
1700 Alma Drive, Suite 500
Plano, TX 75075

Mail Date: 04/29/2010

Applicant	: Wu Qing	: DECISION ON REQUEST FOR
Patent Number	: 7672313	: RECALCULATION of PATENT
Issue Date	: 03/02/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/634,941	: OF WYETH
Filed	: 12/07/2006	:
		:

The Patentee's Request for Recalculation is **DISMISSED.**

This Request is deemed ineligible for consideration for one or more of the following reasons:

(A). The patent for which PTA recalculation is requested is either a design or reissue application or is a reexamination proceeding;

(B). The patent for which PTA recalculation is requested resulted from a utility or plant application filed under 35 USC 111(a) before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(C). The patent for which PTA recalculation is requested resulted from an international application in which the international filing date was before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(D). The patent for which PTA recalculation is requested issued on/after March 2, 2010;

(E). The Request for Recalculation was filed more than 180 days after the grant date of the patent and the request was not filed within two months of a dismissal of a request for reconsideration of the of the patent term under 37 CFR 1.705(d);

(F). The Request for Recalculation is not solely limited to USPTO pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A);

or

(G). A civil action was filed pursuant to 35 U.S.C. 154(b)(4)(A)concerning the same patent at issue in this request.

Patentee may file a reply to this decision dismissing the Request for Recalculation. Patentee must file such reply within one month or thirty days, whichever is longer, of the mail date of the decision dismissing the Request for Recalculation. No fee is required if patentee is asserting in the reply that the dismissal for ineligibility is improper.

Patentee should use document code PET.OP if electronically filing a reply to this dismissal. If the USPTO finds that the request was improperly deemed ineligible, the USPTO will mail applicant a recalculation determination.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A). Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154 (b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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MILES & STOCKBRIDGE PC
1751 PINNACLE DRIVE
SUITE 500
MCLEAN VA 22102-3833

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MAR 26 2009

OFFICE OF PETITIONS

In re Application of	:	
Robert M. Lantis, et al.	:	
Application No. 11/634,946	:	DECISION ON PETITION
Filed: December 7, 2006	:	TO WITHDRAW
Attorney Docket No. C05241-11644US01	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 17, 2008.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request cannot be approved because the practitioner(s) requesting the withdrawal have not certified that they have (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment; (2) deliver to the client or duly authorized representative of the client papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond. The failure to do so may subject the practitioner to discipline.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

Attachment: Blank copy of the PTO/SB/83

cc: MR. PATRICK JEFFRIES
1600 ANDERSON ROAD
MCLEAN, VA 22102

UNITED STATES PATENT AND TRADEMARK OFFICE

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LOWE HAUPTMAN HAM & BERNER, LLP
1700 DIAGONAL ROAD
SUITE 300
ALEXANDRIA VA 22314

COPY MAILED

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OFFICE OF PETITIONS

In re Application of	:	
Kim et al.	:	
Application Number: 11/634984	:	DECISION DISMISSING PETITION
Filing Date: 12/07/2006	:	
Attorney Docket Number: 123054-06151003	:	

This is a decision on the "PETITION UNDER 37 CFR 1.182" filed on September 16, 2009, in the above-identified application.

The petition is **DISMISSED**.

Petitioners assert that the original application papers filed in the subject application do not contain the disclosure which was intended to be filed. Petitioners therefore request, in essence, that the Office accept English translations of the two (2) foreign priority documents present on filing as the original disclosure in lieu of the original disclosure of the application as filed. Petitioners further requests that, after the acceptance of the English translations as the original application papers, the subject application be abandoned in favor of continuing Application No. 12/548,319, filed on August 26, 2009.

37 CFR 1.52(d) states that if a nonprovisional application is filed in a language other than English, an English language translation of the non-English language application, a statement that the translation is accurate, and the processing fee set forth in § 1.17(i) are required.

Petitioners herein request that the Office accept two (2) separate specifications, including sets of claims, and drawings as the original disclosure of the application.

The application papers filed on December 7, 2006, included a specification including claims and drawings. The application papers were complete and entitled to a filing date. There were

no missing pages of specification or omitted drawings. The drawings described in the specification correspond to the drawings that were filed on December 7, 2006. Accordingly, the application was examined and a non-final Office action was mailed on June 26, 2009. There was nothing in the application as filed to indicate that petitioners intended to rely on the specification and drawings of either one or both of the foreign priority documents submitted on filing as the original disclosure for the present application.

In certain limited circumstances, the USPTO has permitted an applicant, on petition, to rely on at least a part of a single foreign priority document that was submitted on filing as part of the original disclosure. For instance, these circumstances have involved situations where there were no drawings on filing and the application was not entitled to a filing date, but a foreign priority document present on filing contained drawings which corresponded to the description of the drawings in the specification. Here, however, petitioners are attempting to replace the entire original disclosure with the disclosures of two separate foreign priority documents. The application papers submitted on filing constitute the original disclosure and cannot be replaced, on petition, with two foreign priority documents.

While petitioners state that the title of the invention on the declaration filed with the application papers on December 7, 2006 was correct, it is noted that the title on the declaration does not match the title of either one of the foreign priority documents.

Furthermore, 35 U.S.C. 112, second paragraph, requires the specification to conclude with one or more claims. In addition, the USPTO rules require that a single written description, including the claims, and a single set of drawing sheets be filed. The two separate disclosures would not be in compliance with 35 U.S.C. 112, second paragraph, or the USPTO rules such as 37 CFR 1.71-1.75 and 1.84.

Applicant is given **TWO (2) MONTHS** to file any request for reconsideration of this decision. **This time period may NOT be extended.**[1] Applicant is advised, however, that the time period set forth in the non-final Office action mailed June 26, 2009 continues to run from that date. The filing of a petition does not stay any period for reply that may be running against the application.

---

[1] 37 CFR 1.181(f).

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Mail Stop Petition
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3231.

DWood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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LOWE HAUPTMAN HAM & BERNER, LLP
1700 DIAGONAL ROAD
SUITE 300
ALEXANDRIA VA 22314

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DEC 24 2009

OFFICE OF PETITIONS

In re Application of Kim et al. Application Number: 11/634984 Filing Date: 12/07/2006 Attorney Docket Number: 123054-06151003	DECISION GRANTING PETITION

This is a decision on the "REQUEST FOR RECONSIDERATION" filed on December 9, 2009, which is treated as a renewed petition under 37 CFR 1.182.

The petition is **GRANTED**.

Petitioners again assert that the original application papers filed in the subject application do not contain the disclosure which was intended to be filed. Petitioners therefore request that the Office accept the English translation of a foreign priority document that was present on filing as the original disclosure in lieu of the original disclosure of the application as filed. Petitioners further request that, after the acceptance of the English translation as the original application papers, the subject application be abandoned in favor of continuing Application No. 12/548,319, filed on August 26, 2009.

It is noted that a "SECOND SUPPLEMENTAL REQUEST FOR RECONSIDERATION" was filed on December 16, 2009. Petitioners note that the subject second supplemental Request for Reconsideration filed December 16, 2009, correctly indicates as Korean Application No. 10-2006-0036578 as the linkeage between the instant application and continuing Application No. 12/548,319.

Specifically, petitioners request, on supplemental renewed petition, that the Office treat foreign Korean Application 10-2006-0036578, as the application as filed. Petitioners further request that the Office treat the English translation of the above-referenced foreign application as the original disclosure (specification, including claims, and drawings) of the instant application.

37 CFR 1.52(d) states that if a nonprovisional application is filed in a language other than English, an English language translation of the non-English language application, a statement that the translation is accurate, and the processing fee set forth in § 1.17(i) are required.

Upon petition, the Office is accepting foreign priority document **KR 10-2006-0036578**, which was deposited on December 7, 2006, with the original application papers, as the application as filed. Furthermore, the Office will use the English translation of the above-referenced priority document, filed on September 16, 2009 and accompanied by a verified statement that the translation is a true translation, of the above-referenced foreign priority document, for reprocessing.

The application will be reprocessed with foreign priority document **KR 10-2006-0036578** as the application as filed. The translation filed on September 16, 2009, of the above-referenced foreign priority document will be used for reprocessing.

The $130.00 fee for filing a non-English specification will be charged to counsel's deposit account, No. 07-1337.

Upon reprocessing, the subject application will be considered to be **EXPRESSLY ABANDONED** as of the date of the grant of this petition.

Receipt of the petition fee due under 37 CFR 1.182 is acknowledged. The fee was paid with the original petition filed on September 16, 2009, and no additional fee is due.

The application is referred to the Office of Patent Application Processing for further processing in accordance with this decision.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Ida Williams
1322 S. 54th Street
Philadelphia PA 19143

MAILED

JUL 09 2009

OFFICE OF PETITIONS

In re Application of	:	
Ida Antoinette Williams	:	
Application No.: 11/643989	:	DECISION ON
Filing or 371(c) Date: 12/22/2006	:	PETITION
Title of Invention: REMOTE MOVER	:	

This is a decision in response to the correspondence filed June 15, 2009. The correspondence is properly treated as a renewed petition to withdraw the holding of abandonment under 37 CFR 1.181.

This Petition is hereby **dismissed**.

Any further petition must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under [insert the applicable code section]." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

Background

The above-identified application became abandoned for failure to timely reply to the non-final Office action, mailed April 7, 2008. The Office action set a three (3) period for reply. Extensions of time under 37 CFR 1.136(a) were available. No reply having been received, the application became abandoned on July 8, 2008. A Notice of Abandonment was mailed October 17, 2008, and returned as undeliverable by the United States Postal Service on October 23, 2008[1]

Applicant filed a petition on January 29, 2009, wherein Applicant stated that there was an error in the mailing address. Applicant stated that she telephoned this Office and was informed that two letters were mailed to Applicant. Applicant averred that the correspondence address was correct at the time the first letter was mailed; however, Applicant asserted non-receipt of the first letter. Applicant also noted that the second letter should have been forwarded to Applicant. Applicant further noted that she believed that it was the way that her address was entered into the system that led to her not receiving the documents. Applicant included a Change of Correspondence Address with the petition.

[1] Office records also reveal that a Notice of Publication of Application, mailed June 26, 2008, was also returned as undeliverable by the United States Postal Service on July 11. 2008.

In a Decision mailed March 9, 2009, Applicant was advised that the application became abandoned for Applicant's failure to reply to the non-final Office action, mailed April 7, 2008. Thereafter, the Office mailed a Notice of Publication of Application on June 26, 2008, which was returned as undeliverable by the United States Postal Service on July 11, 2008, and mailed a Notice of Abandonment on October 17, 2008, which was returned as undeliverable by the United States Postal Service on October 23, 2008.

Regarding the correspondence address, Applicant was informed that a review of the correspondence address of record with this Office revealed that the correspondence address at the time of the mailing of the non-final Office action was that listed in the oath/declaration and Application Transmittal Form filed with the application papers on December 22, 2006. This Office entered the correspondence as provided by applicant, so that the assertion that the way the Office entered the correspondence had some bearing on whether the Notice of Publication and Notice of Abandonment were received by Applicant is without merit.

Regarding non-receipt of the non-final Office action, mailed April 7, 2008, Applicant stated that she "did live there when the first letter was sent out." Applicant was advised that the Office requirements for granting a petition to withdraw the holding of abandonment based upon non-receipt of an Office communication has been modified. The Office requires a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. In addition, a copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

Finally Applicant was advised that since she has chosen to prosecute the application without the services of a registered practitioner, that it is her responsibility to familiarize herself with the laws, rules of practice and MPEP. An Applicant who elects to proceed in prosecuting her application without an attorney steps into the shoes of the attorney. The rules of practice do not diverge depending upon whether one is an attorney or an applicant appearing before this Office in proper person. It is Applicant's obligation to inform herself about the obligations associated with prosecuting her application. See, California Med. Prods. V. Tecnol Med., 921 F.Supp 1219 (D. Del. 1995).

The present renewed petition

Applicant files the present renewed petition and provides that because of a home fire that had occurred, she was unable to recover her mail and her address changed due to her misfortune. Applicant requests withdrawal of the holding of abandonment, and provides her new correspondence address.

A review of the present renewed petition reveals that the petition has not been signed.

Applicable Law, Rules and MPEP

Petitioner's attention is directed to 37 CFR 1.33(b), which states.

> (b) Amendments and other papers. Amendments and other papers, except for written assertions pursuant to § 1.27(c)(2)(ii) of this part, filed in the application must be signed by:
> (1) A registered patent attorney or patent agent of record appointed in compliance with § 1.32(b);
> (2) A registered patent attorney or patent agent not of record who acts in a representative capacity under the provisions of § 1.34;
> (3) An assignee as provided for under §3.71(b) of this chapter; or
> (4) All of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter.

An unsigned amendment (or other paper) or one not properly signed by a person having authority to prosecute the application is not entered. This applies, for instance, where the amendment (or other paper) is signed by only one of two applicants and the one signing has not been given a power of attorney by the other applicant.

The petition must be signed before it may be entered and addressed on its merits.

The petition is dismissed without prejudice. Applicant should file a Request for Reconsideration of Petition and sign the petition.

Alternate venue

Applicant is strongly urged to file a petition stating that the delay was unintentional. Public Law 97-247, § 3, 96 Stat. 317 (1982), which revised patent and trademark fees, amended 35 U.S.C. § 41(a)(7) to provide for the revival of an "unintentionally" abandoned application without a showing that the delay in was "unavoidable." An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the required fee.

The filing of a petition under 37 CFR 1.137(b) cannot be intentionally delayed and therefore must be filed promptly. A person seeking revival due to unintentional delay can not make a statement that the delay was unintentional unless the entire delay, including the delay from the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revive under 37 CFR 1.137(b).

Further correspondence with respect to this matter should be addressed as follows:

By mail: Director for Patents
PO Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

/Derek L. Woods/
Derek L. Woods
Attorney
Office of Petitions

Enclosure: PTO/SB/64 Petition to Revive

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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BUCHANAN INGERSOLL & ROONEY, PC
P.O. BOX 1404
ALEXANDRIA, VA 22313-1404

Mail Date: 04/20/2010

Applicant	: Paul E. Reilly	: DECISION ON REQUEST FOR
Patent Number	: 7613845	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/635,005	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/07/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/635,006	12/07/2006	Momoko Shimizu	130516	4874

7590 11/04/2009

OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER
KENNEDY, NICOLETTA

ART UNIT	PAPER NUMBER
1611	

MAIL DATE	DELIVERY MODE
11/04/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Tom Farmer

Patent Publication Branch
Office of Data Management

Repin Ref: 11/05/2009 NFARMER [illegible]
DRN:152481 Name/Number:11635006
FC: 5204 $[illegible]

Adjustment date: 11/05/2009 NFARMER
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02 FC:1111 -500.00 OP
04 FC:1202 -1050.00 OP
05 FC:1201 -200.00 OP

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SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN, NJ 08830

Mail Date: 04/21/2010

Applicant	: David Martin	: DECISION ON REQUEST FOR
Patent Number	: 7669002	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/635,117	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/07/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **280** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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LAWRENCE P. ZALE
334 SOUTH FRANKLIN STREET
WILKES-BARRE, PA 18702

MAILED

FEB 02 2009

OFFICE OF PETITIONS

In re Application of	:	
Brian Valania	:	
Application No. 11/635,126	:	DECISION ON PETITION
Filed: December 6, 2006	:	TO WITHDRAW
Attorney Docket No. W-01093-Florian	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 20, 2008.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request cannot be approved because the practitioner was appointed by a Customer Number. Since customer was appointed by customer number, practitioners must withdraw by customer number.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

cc: BRIAN VALANIA
417 WEST HIGH STREET
PAINTED POST, NY 14870

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ROGER D EMERSON ESQ
BROUSE MCDOWELL
SUITE 500
388 SOUTH MAIN STREET
AKRON OH 44311-4407

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APR 02 2007
OFFICE OF PETITIONS

In re Application of	:	
Piccirilli, et al.	:	DECISION ACCORDING STATUS
Application No. 11/635,132	:	UNDER 37 CFR 1.47(a)
Filed: December 6, 2006	:	
Attorney Docket No. 30163.29384	:	

This is in response to the petition under 37 CFR 1.47(a), filed March 2, 2007.

The petition under 37 CFR 1.47(a) is **GRANTED**.

Petitioner has shown that inventor Piccirilli could not be found.

The above-identified application and papers have been reviewed and found to be in compliance with 37 CFR 1.47(a). Accordingly, the above-identified application is hereby accorded Rule 1.47(a) status. As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the last known address provided on the declaration. Notice of the filing of this application will also be published in the Official Gazette.

The matter is being forwarded to the Office of Initial Patent Examination for pre-examination processing.

Telephone inquiries related to this decision may be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

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MAURO PICCIRILLI
VICO STORTO CASTELLO N 18
86170 ISERNIA (IS)
ITALY

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APR 0 2 2007

OFFICE OF PETITIONS

In re Application of Mauro Piccirilli, Thomas George Burrowes Application No. 11/635,132 Filed: December 6, 2006 Title: Elastomeric Blend for Vehicle Timing Belt	:	LETTER

Dear Mr. Piccirilli:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 USC 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a joint inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, agent of record would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Cliff Congo at (571)272-3207. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Cliff Congo
Petitions Attorney
Office of Petitions

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/635,132	12/06/2006	Mauro Piccirilli	30163.29384	5710

7590 04/15/2008

Roger D. Emerson, Esq.
BROUSE McDOWELL
Suite 500
388 South Main Street
Akron, OH 44311-4407

EXAMINER
NUTTER, NATHAN M

ART UNIT	PAPER NUMBER
1796	

MAIL DATE	DELIVERY MODE
04/15/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF	:	Mauro Piccirilli
FOR	:	**ELASTOMERIC BLEND FOR VEHICLE TIMING BELT**
SERIAL NO.	:	11/635,132
FILED	:	December 6, 2006
PATENT NO.	:	N/A
ISSUE DATE	:	N/A
ATTORNEY DOCKET NO.	:	30163.29384

4-15-08
Approved
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700/2900

Confirmation No.: 5710
Customer #26781

****

CERTIFICATE OF MAILING

I hereby certify that this **APPLICATION TO WITHDRAW AS ATTORNEY OF RECORD ACCORDING TO 37 C.F.R. § 1.36** is being deposited via EFS-Web electronic filing to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the following date:

3·27·08
Date

/s/ Connie J. Nutter
Connie J. Nutter

****

APPLICATION TO WITHDRAW AS ATTORNEY OF RECORD ACCORDING TO 37 C.F.R. § 1.36

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. § 1.36, the undersigned, Heather M. Barnes, Esq., and all attorneys associated with the law firm of Brouse McDowell, hereby request permission to withdraw as attorneys herein.

Three former Brouse McDowell attorneys, Roger D. Emerson, Daniel A. Thomson, and Timothy D. Bennett, formed their own law firm Emerson, Thomson & Bennett. Subsequently, the client terminated its relationship with Brouse McDowell and requested its files be transferred to Emerson, Thomson & Bennett. Pursuant to the mandatory withdrawal provisions of 37 C.F.R. § 10.40(b)(4), Brouse McDowell and the undersigned individually, and on behalf of the attorneys at Brouse McDowell, request that the attorneys listed under customer number 26781 be removed as attorneys of record.

I have delivered to Applicant's new counsel the file for which I was responsible and information they have given to me. Thereby, I have effectively empowered them to carry on prosecution of the patent. Therefore, I believe I have complied with all the obligations placed upon me by the U.S. Patent and Trademark Office to allow such withdrawal and believe I am entitled to the application requested.

We are withdrawing the following contact information:

Brouse McDowell
388 South Main Street
Suite 500
Akron, OH 44311

Phone: 330-535-5711
Fax: 330-253-8601

E-mail: iplaw@brouse.com
Customer No.: 26781

Please send all further correspondence directly to Applicant at the following address:

Emerson, Thomson & Bennett
777 West Market Street
Akron, Ohio 44303
Phone: 330-434-9999
Fax: 330-434-8888
E-mail: dat@emersonthomson.com

Respectfully submitted,

BROUSE MCDOWELL

3-27-08
Date

/s/ Heather M. Barnes
Heather M. Barnes, Esq.
Reg. No. 44,022

Telephone No.: (330) 535-5711
Fax No.: (330) 253-8601

Customer #26781

UNITED STATES PATENT AND TRADEMARK OFFICE

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THOMAS W. EPTING
SMITH MOORE LEATHERWOOD LLP
300 EAST MCBEE AVENUE, SUITE 500
P.O. BOX 87
GREENVILLE, SC 29601

MAILED

MAY 20 2009

OFFICE OF PETITIONS

In re Application of
Wesley J. McAllister
Application No. 11/635,134
Filed: December 7, 2006
Attorney Docket No. 137285.1

DECISION GRANTING PETITION
UNDER 37 CFR 1.137(b)

This is a decision on the petition, filed March 23, 2009, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. *See* 37 CFR 1.137(f).

The petition is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of an application filed in an eighteen month publication country on December 4, 2007. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in an eighteen month publication country.

In view of the above, this application became abandoned pursuant to 35 U.S.C. §122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country or under a multilateral international agreement that requires publication of applications 18 months after filing.

A petition to revive an application abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii) for failure to notify the USPTO of a foreign filing must be accompanied by:

(1) the required reply which is met by the notification of such filing in a foreign country or under a multinational treaty;
(2) the petition fee as set forth in 37 CFR 1.17(m); and
(3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

The instant petition has been found to be in compliance with 37 CFR 1.137(b). Accordingly, the failure to timely notify the USPTO of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

The previous Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded. A Notice Regarding Rescission of Nonpublication Request which sets forth the projected publication date of August 20, 2009 accompanies this decision on petition.

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3204.

This application is being forwarded to Technology Center Art Unit 3771 for examination in due course.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

ATTACHMENT: Notice Regarding Rescission of Nonpublication Request

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/635,134	12/07/2006	Wesley J. McAllister	137285.1

CONFIRMATION NO. 5942

24219
THOMAS W. EPTING
SMITH MOORE LEATHERWOOD LLP
300 EAST MCBEE AVENUE, SUITE 500
P.O. BOX 87
GREENVILLE, SC 29601

NONPUBLICATION RESCISSION LETTER

OC000000035968573

Date Mailed: 05/14/2009

Communication Regarding Rescission Of Nonpublication Request and/or Notice of Foreign Filing

Applicant's rescission of the previously-filed nonpublication request and/or notice of foreign filing is acknowledged. The paper has been reflected in the Patent and Trademark Office's (USPTO's) computer records so that the earliest possible projected publication date can be assigned.

The projected publication date is 08/20/2009.

If applicant rescinded the nonpublication request before or on the date of "foreign filing,"[1] then no notice of foreign filing is required.

If applicant foreign filed the application after filing the above application and before filing the rescission, and the rescission did not also include a notice of foreign filing, then a notice of foreign filing (not merely a rescission) is required to be filed within 45 days of the date of foreign filing. See 35 U.S.C. § 122(b)(2)(B)(iii), and Clarification of the United States Patent and Trademark Office's Interpretation of the Provisions of 35 U.S.C. § 122(b)(2)(B)(ii)-(iv), 1272 Off. Gaz. Pat. Office 22 (July 1, 2003).

If a notice of foreign filing is required and is not filed within 45 days of the date of foreign filing, then the application becomes abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii). In this situation, applicant should either file a petition to revive or notify the Office that the application is abandoned. See 37 CFR 1.137(f). Any such petition to revive will be forwarded to the Office of Petitions for a decision. Note that the filing of the petition will not operate to stay any period of reply that may be running against the application.

Questions regarding petitions to revive should be directed to the Office of Petitions at (571) 272-3282.

[1] Note, for purpose of this notice, that "foreign filing" means "filing an application directed to the same invention in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing".

/sdbrinkley/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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OFFICE OF PETITIONS

JAMES J. RALABATE
5792 MAIN STREET
WILLIAMSVILLE NY 14221

In re Application of Bober Application No. 11/635,152 Filed: December 7, 2006 Title of Invention: Control System For indexing Compiler Drive Shaft that Senses Drive Torque to initiate Indexing	DECISION DISMISSING PETITION

This is a decision on the "Petition for Date of Deposit filed under 37 CFR 1.53(b)" filed January 4, 2007. The response requests in effect, that the Notice of Omitted Items in a Nonprovisional Application ("Notice") mailed December 29, 2006, be withdrawn.

The petition is dismissed.

The application was filed on December 7, 2006. However, on December 29, 2006, the Office of Initial Patent Examination (OIPE) mailed a Notice stating that the application had been accorded a filing date of December 7, 2006 but figure 5 as described in the specification appeared to have been omitted.

In response, on January 4, 2007, applicant filed the present petition. Additionally, applicants submitted a copy of figure 5 as described in the specification. Petitioner argues figure 5 was submitted on December 7, 2006.

The evidence has been considered but it is not persuasive. A review of the official file confirms the Office did not receive figure 5 on December 7, 2006.

The Office has a well established and well publicized practice of providing a receipt for papers filed in the Office to any applicant desiring a receipt. The practice requires that any paper for which a receipt is desired be filed in the Office with a self-addressed postcard identifying the paper. A postcard

receipt which itemizes and properly identifies the papers which are being filed serves as prima facie evidence of receipt in the Office of all the items listed thereon on the date stamped thereon by the Office. See section 503, Manual Of Patent Examining Procedure (MPEP 503).

Although petitioner has provided a copy of a postcard receipt, the postcard will not serve as prima facie[1] evidence because it was not properly itemized and thus fails to establish the figure 5 was submitted upon filing. The postcard shows that formal drawings were submitted on December 7, 2006. The Office does acknowledge receipt of drawings which does not include figure 5.

> If a new application is being filed, all parts of the application being submitted should be separately listed on the postcard, e.g., the number of pages of specification (including written description, claims and abstract), number of claims, number of sheets of drawings, number of pages of oath/declaration, number of pages of cover sheet (provisional application). The postcard receipt will not serve as prima facie evidence of receipt of any item which is not adequately itemized on the postcard. For example, merely listing on the postcard "a complete application" or "patent application" will not serve as a proper receipt for each of the required components of an application (e.g., specification (including claims), drawings (if necessary), oath or declaration and the application filing fee) or missing portions (e.g., pages, sheets of drawings) of an application if one of the components or portion of a component is found to be missing by the USPTO. Each separate component should be specifically and properly itemized on the postcard. MPEP 503.

The assertions that petitioner maintains "identical" papers (which include figure 5) to those papers mailed to the Office is not persuasive. An applicant alleging that a paper was filed in the PTO and later misplaced has the burden of proving the allegation by a preponderance of evidence.

The "Notice" mailed December 29, 2006, was correct in advising applicants that figure 5 as described in the specification appeared to have been omitted. Therefore, the "Notice" was

---

[1] The USPTO will stamp the receipt date on the postcard and place it in the outgoing mail. A postcard receipt which itemizes and properly identifies the items which are being filed serves as prima facie evidence of receipt in the office of all items listed thereon. See MPEP 503.

properly mailed.

Pursuant to petitioner's request deposit account 24-0037 will be charged the $400.00 petition fee. The fee will not be refunded because it was not necessitated by Office error.

The application will be returned to the Office of Initial Patent Examination for further processing with a filing date of December 7, 2006, using the application papers received in the Office on that date.

Any inquiries related to this decision should be directed to the undersigned at (571) 272-3215.

Charlema R. Grant

Charlema R. Grant
Petitions Attorney
Office of Petitions

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PVF -- SYNOPSYS, INC
c/o PARK, VAUGHAN & FLEMING LLP
2820 FIFTH STREET
DAVIS, CA 95618-7759

Mail Date: 04/21/2010

Applicant	: Rohit Kapur	: DECISION ON REQUEST FOR
Patent Number	: 7669098	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/635,155	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/07/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **575** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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AUTOMOTIVE COMPONENTS HOLDINGS LLC
C/O MACMILLAN, SOBANSKI & TODD, LLC
ONE MARITIME PLAZA, FIFTH FLOOR
720 WATER STREET
TOLEDO, OH 43604-1853

Mail Date: 04/21/2010

Applicant	: Muhammed Aqil Hamid	: DECISION ON REQUEST FOR
Patent Number	: 7589459	: RECALCULATION of PATENT
Issue Date	: 09/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/635,167	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/07/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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CASCADIA INTELLECTUAL PROPERTY
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STE.1005
SEATTLE, WA 98101

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OFFICE OF PETITIONS

In re Application of Gust H. Bardy Application No. 11/635,177 Filed: December 6, 2006 Attorney Docket No. 11.0087USC3/03-400-CON3	: : : : :	DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 26, 2009

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to practitioners associated with Cascadia Intellectual Property has been revoked by the assignee of the patent application on February 26, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-6059.

A. Kelley

Alicia Kelley
Petitions Examiner
Office of Petitions

cc: PAULY, DEVRIES SMITH & DEFFNER, L.L.C.
PLAZA VII- SUITE 3000
45 SOUTH SEVENTH STREET
MINNEAPOLIS, MN 55402-1630

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DIW May-07

DICKIE, MCCAMEY & CHILCOTE, P.C.
INTELLECTUAL PROPERTY DEPARTMENT
TWO P.P.G. PLACE, SUITE 400
PITTSBURGH PA 15222-5402

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MAY 17 2007

OFFICE OF PETITIONS

In re Application of	:	
Lee Daniel Feinberg	:	DECISION REFUSING STATUS
Application No. 11/635,180	:	UNDER 37 CFR 1.47(b)
Filed: 12/07/2006	:	
Atty Docket No. 021119CON	:	

This is a decision in response to the petition filed on 12 March, 2007 under 37 CFR 1.47(b).

The petition is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(b)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Extensions of time may be obtained in accordance with 37 CFR 1.136(a).

The above-identified application was filed on 7 December, 2006, without an executed oath or declaration. Accordingly, on 11 January, 2007, Initial Patent Examination Division mailed a Notice to File Missing Parts of Nonprovisional Application requiring an executed oath or declaration and a surcharge for its late filing. A two (2) month period for reply was set.

In response, on 12 March, 2007,[1] petitioner filed the present petition, surcharge, and petition fee.

With regards to the petition under 37 CFR 1.47(b), petitioner asserts a copy of the application was sent to the last known address of the non-signing inventor, but that the inventor orally refused to sign the declaration.

[1] As 11 March, 2007 fell on a Sunday, the petition was timely filed.

A grantable petition under 37 CFR 1.47(b) requires:

(1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);

(2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;

(3) the petition fee;

(4) a statement of the last known address of the non-signing inventor;

(5) proof of proprietary interest, and

(6) proof of irreparable damage.

The petition lacks items (2).

In regards to item (2), an oath or declaration in compliance with 37 CFR 1.63, signed on behalf of the non-signing inventor by an officer of the corporation, must be supplied. The declaration must include the name, citizenship, residence, and mailing address of the non-signing inventor. If the inventor refuses to sign the declaration, the declaration must be signed by an officer of the corporation (president, vice president, secretary, treasurer, or chief executive officer) on behalf of and as agent for the non-signing inventor. The officer must identify his or her title in the declaration. If the declaration is not signed by an officer of the corporation, then proof of the authority of the person signing on behalf of the corporation must be submitted (See MPEP 409.03(b)).

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Mail Stop Petition
Randolph Building
401 Dulany Street
Alexandria, VA 22134

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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INTELLECTUAL PROPERTY DEPARTMENT
TWO P.P.G. PLACE, SUITE 400
PITTSBURGH PA 15222-5402

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AUG 15 2007

OFFICE OF PETITIONS

In re Application of	:	
Lee Daniel Feinberg	:	DECISION ACCORDING STATUS
Application No. 11/635,180	:	UNDER 37 CFR 1.47(b)
Filed: 12/07/2006	:	
Atty Docket No. 021119CON	:	

This is a decision in response to the renewed petition filed on 15 June, 2007, under 37 CFR 1.47(b).

The petition is **GRANTED**.

Petitioner has shown that the sole inventor has refused to join in the filing of the above-identified application after having been sent a copy of the application papers. Specifically, petitioner has shown, via the declaration of Cris Lyker, counsel's employee, that a copy of the application was sent to the non-signing inventor's residence. The non-signing inventor left a voicemail in return, however, stating that he would not sign and return the declaration without compensation. Furthermore, no signed declaration was received from the non-signing inventor. In addition, petitioner has shown, via the agreement between non-signing inventor Lee Daniel Feinberg and applicant Sowillo Networks Inc. (by change of name Dorsal Networks, which was purchased by Corvis Corporation, and which by merger became Broadwing Corporation, respectively), that Rule 47(b) applicant Broadwing Corporation has a proprietary interest in the above-identified application. Lastly, petitioner has submitted a declaration in compliance with 37 CFR 1.63, signed by registered patent practitioner Darren E. Wolf, along with a statement that he is authorized to sign on behalf of the assignee, and has demonstrated that such action is necessary to preserve the rights of the parties.

This application and papers have been reviewed and found in compliance with 37 CFR 1.47(b). This application is hereby accorded Rule 1.47(b) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at his last known address as listed in the petition, not the Declaration. Notice of the filing of this application will also be published in the *Official Gazette*.

The application file is being referred to Technology Center Art Unit 2613 for examination in due course.

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3231.

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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DIW Aug-07

Lee Daniel Feinberg
14728 Carona Drive
Silver Spring MD 20905-7411

COPY MAILED

AUG 1 5 2007

OFFICE OF PETITIONS

In re Application of
Lee Daniel Feinberg
Application No. 11/635,180
Filed: 7 December, 2006
For: INTERCONNECTIONS AND PROTECTION BETWEEN OPTICAL COMMUNICATIONS NETWORKS

Dear Mr. Feinberg:

You are named as the sole inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(b), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as the sole inventor.

As the named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at 571/272-3231. Requests for information regarding your application should be directed to the File Information Unit at 571-272-3150. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at 571-272-3150 or 1-800-972-6382 (outside the Washington D.C. area).

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

DICKIE, MCCAMEY & CHILCOTE, P.C.
INTELLECTUAL PROPERTY DEPARTMENT
TWO PPG PLACE, SUITE 400
PITTSBURGH PA 15222-5402

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WEISS & MOY PC
4204 NORTH BROWN AVENUE
SCOTTSDALE AZ 85251

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JAN 02 2009

OFFICE OF PETITIONS

In re Application of
HOOVER, Dirk C.
Application No. 11/635,184
Filed: December 08, 2006
Attorney Docket No. **4502P3158**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 04, 2008.

The request is **NOT APPROVED**.

The Office has revised its change in procedure for request to withdraw from representation applies to requests filed on or after May 12, 2008.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request cannot be approved because there is no indication that acts (1) thru (3) noted in the above-identified certifications have been performed.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272- 2783.

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

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United States Patent and Trademark Office
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O'KEEFE, EGAN, PETERMAN & ENDERS LLP
1101 CAPITAL OF TEXAS HIGHWAY SOUTH
#C200
AUSTIN, TX 78746

Mail Date: 04/21/2010

Applicant	: Phillip E. Beecher	: DECISION ON REQUEST FOR
Patent Number	: 7649875	: RECALCULATION of PATENT
Issue Date	: 01/19/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/635,200	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/07/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **504** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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Cascadia Intellectual Property
500 Union Street
Suite 1005
Seattle, WA 98101

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MAR 30 2009

OFFICE OF PETITIONS

In re Application of	:	
Gust H. Bardy	:	
Application No. 11/635,205	:	DECISION ON PETITION
Filed: December 6, 2006	:	TO WITHDRAW
Attorney Docket No. 115.0096USC2/03-423-CON2	:	FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 26, 2009.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to Cascadia Intellectual Property has been revoked by the assignee of the patent application on February 26, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Terri Williams at 571-272-2991.

Terri Williams

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Pauly, Devries Smith & Deffner, L.L.C.**
Plaza VII-Suite 3000
45 South Seventh Street
Minneapolis, MN 55402-1630

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JONES DAY
222 EAST 41ST ST
NEW YORK NY 10017

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JUN 15 2010

OFFICE OF PETITIONS

In re Application of
MRSNY, Randal J.
Application No. 11/635,241
Filed: December 05, 2006
Attorney Docket No. **10901-034-999**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 12, 2010

The request is **NOT APPROVED**.

The Office has revised its change in procedure for request to withdraw from representation applies to requests filed on or after May 12, 2008.

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record cannot be approved because the request to change the correspondence address is not that of: (1) the first named inventor; or (2) an assignee of the entire interest under 37 C.F.R 3.71 who has properly intervened.

If an assignee has intervened in this application, then a Statement under 37 CFR 3.73(b) or a copy of the actual assignment must be submitted with a renewed request. Our records show Sanderling Venture Partners V, L.P., As Collateral Agent as the Assignee.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

cc: **TRINITY BIOSYSTEMS, INC.**
C/O TRINITY (ASSIGNMENT FOR THE BENEFIT OF CREDITORS), LLC
ATTN: COLIN SAVAGE
1100 LAAVENIDA STREET, BUILDING A
MOUNTAIN VIEW CA 94043

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MANUEL VALCACEL
c/o GREENBERG TRAURIG, P.A.
1221 BRICKELL AVENUE
MIAMI FL 33131

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MAY 05 2010

OFFICE OF PETITIONS

In re Application of	:	
Stuart Weissman	:	DECISION ON PETITION
Application No. 11/635,242	:	TO WITHDRAW
Filed: December 7, 2006	:	FROM RECORD
Attorney Docket No. 64564.010000	:	

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36, filed February 5, 2010.

The request is **NOT APPROVED**.

The request cannot be approved because it lacks a forwarding correspondence address of the first named inventor or a properly intervening assignee.

If the forwarding correspondence address is to the assignee, the Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *that properly became of record under 37 CFR 3.71.* 37 CFR 3.71(c) states:

> *An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.*

The assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, the statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-2991.

Terri Johnson
Petitions Examiner
Office of Petitions

cc: **Eric Todd, President BML-**
BLACKBIRD THEATRICAL SERVICES
1 AQUARIUM DRIVE
SECAUCUS, NJ 07094

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ROPES & GRAY LLP
PATENT DOCKETING 39/361
1211 AVENUE OF THE AMERICAS
NEW YORK NY 10036-8704

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MAY 28 2009

OFFICE OF PETITIONS

In re Application of	:	
MOLL, Georges-Henri	:	
Application No. 11/635,250	:	DECISION ON PETITION
Filed: December 05, 2006	:	TO WITHDRAW
Attorney Docket No. **ILOC-P01-003**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 04, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Mark D. Rowland on behalf of all attorneys of record. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence address of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor.

There are no outstanding office actions at this time.

Telephone inquiries concerning this decision should be directed to Michelle R. Eason at 571-272-4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **GEORGES-HENRI MOLL**
22 ALLEE DES TOMALINES
VAUGRENIAR PRESIDENCES
VILLENEUVE-LOUBET, FRANCE 06270

cc: **ILOG S.A.**
9 RUE DE VERDUN, BP 85
GENTILLY CEDEX, FRANCE 94253

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MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO, P.C
ONE FINANCIAL CENTER
BOSTON, MA 02111

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APR 23 2010

OFFICE OF PETITIONS

In re Application of	:	
Mohoney et al.	:	DECISION ON PETITION
Application No. 11/635,255	:	TO WITHDRAW
Filed: December 6, 2006	:	FROM RECORD
Attorney Docket No. 34807-502001US	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 12, 2010.

The request is **NOT APPROVED**.

The Office strongly encourages practitioner(s) requesting withdrawal from representation as practitioner of record in an application to review the record to determine whether he or she is, in fact, of record and how he or she was made of record. For example, the practitioner(s) should determine whether he or she was appointed by naming each practitioner individually or through the use of a Customer Number.

In the instant application, the practitioner(s) were appointed via Customer Number. Therefore, the current request cannot be approved at this time. Any subsequent request must withdraw all associated practitioner(s) in the same manner as appointed.

All future communications from the Office will continue to be directed to the above-listed address until properly notified.

There is an outstanding Office action mailed February 26, 2010 that requires a reply.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-6059. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

A. Kelley

Alicia Kelley
Petitions Examiner
Office of Petitions

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ONE FINANCIAL CENTER
BOSTON, MA 02111

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JUN 09 2010

OFFICE OF PETITIONS

In re Application of	:	
Mahoney et al.	:	DECISION ON PETITION
Application No. 11/635,255	:	TO WITHDRAW
Filed: December 6, 2006	:	FROM RECORD
Attorney Docket No. 34807-502001US	:	

This is a decision on the renewed Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 18, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office will require the practitioner(s) to certify that he, she or they have: (1) given reasonable notice to the client, prior to the expiration of the reply period, which the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any replies that may be due and the time frame within which the client must respond, pursuant to 37 CFR 10.40 (c).

The request was signed by Carl A. Kukkonen III, on behalf of all practitioners of record associated with Customer Number 64046.

Customer Number 64046 has been withdrawn as attorney of record. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

There is an outstanding Office action mailed February 26, 2010, that requires a reply from the applicant.

A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-6059. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Alicia Kelley
Petitions Examiner
Office of Petitions

cc: SCOTT MAHONEY/ HYPERSPOTS/SHERPA TECHNOLOGIES
620 VENICE BLVD.
VENICE, CA 90291

cc: CARL KUKKONEN
MINTZ, LEVIN, COHN, FERRIS, GLOVSKY & POPEO, P.C.
3580 CARMEL MOUNTAIN ROAD,
SUITE 300
SAN DIEGO, CA 92130

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/635,255	12/06/2006	Scott Mahoney	34807-502001US

CONFIRMATION NO. 6336

POWER OF ATTORNEY NOTICE

64046
MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO, P.C
ONE FINANCIAL CENTER
BOSTON, MA 02111

OC000000041987999

Date Mailed: 06/08/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/18/2010.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/atkelley/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
www.uspto.gov

AUG 2 7 2007

In re Application of
Nguyen Hong Bing, et al.
Serial Number: 11/635,259
Filed: December 12, 2006
For: ADDITIVE USED FOR TREATING CLAY/SALT IN SITU MATERIALS IN ORDER TO TURN THEM INTO AGGREGATES FOR CEMENT MORTAR AND CEMENT CONCRETE

DECISION ON PETITION UNDER M.P.E.P. 708.02(IV)

This is in response to the petition filed July 26, 2007, requesting that the above-identified application be granted Special Status under Section 708.02 (IV) of the MPEP and 37 CFR 1.102(c)

The petition has been considered and found to comply with the requirements set forth under the above-noted section. Accordingly, the petition is granted.

The petition is **GRANTED**.

William Krynski, Quality Assurance Specialist
Technology Center 1700
Chemical and Materials Engineering

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Paper No.

DERGOSITS & NOAH LLP
FOUR EMBARCADERO CENTER, SUITE 1450
SAN FRANCISCO CA 94111

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MAR 2 8 2008

OFFICE OF PETITIONS

In re Application of	:	
David Stanisic	:	
Application No. 11/635,261	:	DECISION ON PETITION
Filed: December 6, 2006	:	PURSUANT TO
Attorney Docket Number:	:	37 C.F.R. § 1.137(B)
950.02	:	
Title: TENNIS TEACHING	:	
INSTRUCTIONAL AID	:	

This is a decision on the petition filed February 1, 2008, pursuant to 37 C.F.R. § 1.137(b)[1], to revive the above-identified application.

This petition pursuant to 37 C.F.R. § 1.137(b) is **GRANTED**.

This application became abandoned for failure to submit the issue and publication fees in a timely manner in reply to the Notice of Allowance and Issue Fee Due, mailed October 3, 2007, which set a shortened statutory period for reply of three months. No

---

1 A grantable petition pursuant to 37 C.F.R § 1.137(b) must be accompanied by:
(1) The reply required to the outstanding Office action or notice, unless previously filed;
(2) The petition fee as set forth in § 1.17(m);
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
(4) Any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (d) of this section.

extensions of time are permitted for transmitting issue or publication fees[2]. Accordingly, the above-identified application became abandoned on January 4, 2008. A Notice of Abandonment was mailed on January 30, 2008.

With this petition, Petitioner has submitted the petition, issue, and publication fees, along with the proper statement of unintentional delay. No terminal disclaimer is required.

Consequently, the first three requirements of Rule 1.137(b) have been met. The fourth requirement is not applicable.

The Office of Patent Publication will be notified of this decision so that the present application can be processed into a patent.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225[3]. All other inquiries concerning the status of the application should be directed to the Office of Patent Publication at 571-272-4200.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

---

2 See M.P.E.P. § 710.02(e).
3 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.

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14910 AIRLINE ROAD
ROSHARON TX 77583

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MAY 13 2009

OFFICE OF PETITIONS

In re Application of
McCalvin
Application No. 11/635,307
Filed: December 7, 2006
Attorney Docket No. 68.0670

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 27, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned December 23, 2008 for failure to reply in a timely manner to the non-final Office action, mailed September 22, 2008. The non-final Office action set a three month shortened statutory period of time for reply. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. This decision precedes Notice of Abandonment.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply to the non-final Office action, (2) the required petition fee, and (3) a proper statement of unintentional delay.

There is no indication that the petition is signed by a registered patent attorney or patent agent of record. However, in accordance with 37 CFR 1.34, the signature of Mr. Pruner appearing on the correspondence shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party in whose behalf he acts. If, Mr. Pruner desires to receive correspondence regarding this file, the appropriate power of attorney documents must be submitted. A courtesy copy of this decision is being mailed to Mr. Pruner, the petitioner herein. However, until otherwise instructed, all future correspondence regarding this application file will be directed solely to the above-noted correspondence address of record.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-3205.

This application is being referred to Technology Center AU 3672 for further processing.

/ALESIA M. BROWN/

Alesia M. Brown
Petitions Attorney
Office of Petitions

CC: Fred G. Pruner
Trop, Pruner & Hu, PC
1616 S. Voss Rd., Ste. 750
Houston, TX 77057

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
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KENNETH S. WATKINS, JR.
372 RIVER DR.
DAHLONEGA GA 30533

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APR 26 2007

OFFICE OF PETITIONS

In re Application of :
Taylor, et al. :
Application No.: 11/635,314 :
Filed: December 7, 2006 :
Attorney Docket No.: MM-03 :
For: MULTI-AXIS ADJUSTABLE CONVEYOR :

DECISION REFUSING STATUS
UNDER 37 CFR 1.47(a)

This is a decision on the petition under 37 CFR 1.47(a), filed March 12, 2007 (certificate of mailing date March 2, 2007).

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. Any response should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)" and may include an oath or declaration executed by the inventor. **Failure to respond will result in abandonment of the application.**

On January 25, 2007, a Notice to File Missing Parts of Nonprovisional Application was mailed that required applicants to submit a fully executed declaration and surcharge within two months of the mail date of the Notice. The instant petition was timely filed on March 12, 2007 (certificate of mailing date March 2, 2007).

A grantable petition under 37 CFR 1.47(a) requires

(1) a petition including proof of the pertinent facts establishing that the joint inventor(s) refuses to join, or cannot be found or reached after diligent effort,
(2) a proper oath or Declaration executed by the available joint inventor(s),
(3) the fee of $200.00 , and
(4) the last known address of the omitted inventor(s).

This petition lacks item (1) above.

As to item (1), petitioner has failed to establish that the non-signing inventor, Thomas W. Barrett, cannot be located. The petition, signed by Attorney Kenneth S. Watkins, Jr., states that Mr. Barrett told Mr. Taylor that he was going to leave on a trip in early fall 2006 and Mr. Taylor's attempts after November 2006 to contact him have been unsuccessful. In addition, an

unidentified person spoke with Mr. Barrett's mother, who could provide no information as to her son's whereabouts.

Where inability to find or reach a non-signing inventor is alleged, an affidavit or declaration of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made to locate the non-signing inventor.

The affidavit or declaration of facts must be signed, where at all possible, by a person having *firsthand knowledge* of the facts recited therein. It is noted that Mr. Taylor has not provided a statement of facts as to the efforts made to locate Mr. Barrett. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as certified mail return receipt, any inquiries of local telephone directory, or any extant national or regional registry, telegrams, searches of Internet databases, and documented inquiries of his last known employer etc., that support a finding that the non-signing inventor could not be found or reached should be made part of the affidavit or declaration. It is important that the affidavit or declaration contain statements of fact as opposed to conclusions.

As stated in MPEP 409.03(d), " The fact that a non-signing inventor is on vacation or out of town and is therefore temporarily unavailable to sign the declaration is not an acceptable reason for filing under 37 CFR 1.47(a)."

Petitioner must engage in further efforts to locate Mr. Barrett.

If a current address is found, the Office requires petitioner to mail a complete copy of the application, including specification, claims and drawings, and the declaration to the inventor with the request that he sign the declaration.

Any written refusal to sign the declaration should be included as documentary evidence in any reconsideration petition. If there is an oral refusal, the facts surrounding the refusal should be included in a declaration by a party with first hand knowledge of the refusal. If it is concluded by the 37 CFR 1.47 applicant that a non-signing inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in an affidavit or declaration.

The affidavit or declaration of facts must be signed, where at all possible, by a person having *firsthand knowledge* of the facts recited therein. Statements based on hearsay will not normally be accepted. It is important that the affidavit or declaration contain statements of fact as opposed to conclusions.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITION
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Petition
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By FAX: (571) 273-8300 - ATTN: Office of Petitions

Telephone inquiries should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

KENNETH S. WATKINS, JR.
372 RIVER DR.
DAHLONEGA GA 30533

COPY MAILED

JUN 2 6 2007

OFFICE OF PETITIONS

In re Application of	:	
Taylor, et al.	:	DECISION NOTING JOINDER OF
Application No.: 11/635,314	:	PREVIOUSLY NON-SIGNING
Filed: December 7, 2006	:	INVENTOR & DISMISSING
Attorney Docket No.: MM-03	:	PETITION UNDER 37 CFR 1.47(A)
For: MULTI-AXIS ADJUSTABLE CONVEYOR	:	AS MOOT

Papers filed on May 29, 2007 (certificate of mailing date May 22, 2007) in reply to "Decision Refusing Status Under 37 CFR 1.47(a)" mailed on April 26, 2007, included a Declaration signed by the previously non-signing inventor, Thomas W. Barrett, in compliance with 37 CFR 1.63.

In view of the joinder of the inventor, further consideration under 37 CFR 1.47(a) is moot; this application does not have any rule 1.47(a) status and no such status should appear on the file wrapper. This application need not be returned to this office for any further consideration under 37 CFR 1.47(a).

After the mailing of this decision, the application will be forwarded to Technology Center G.A.U. 3651 for examination in due course.

Telephone inquiries should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 06/17/09

TO SPE OF : ART UNIT 1624

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/635319 Patent No.: 7,435737

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)

Randolph Square
Palm Location 7580

Should the changes be made **Valerie Jackson** **Certificates of Correction Branch**

703-756-1573

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

☒ **Approved**	**All** changes apply.
Approved in Part	Specify below which changes **do not** apply.
Denied	State the reasons for denial below.

Comments: The changes are mainly editorial in nature. Others appearing in various Reaction Schemes are consistent with original disclosure of earlier parents.

Joseph K. McKane EB (6/22/09)

JOSEPH K. McKANE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600

1624
Art Unit

SPE

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

Munck Carter/NSC
P.O. Drawer 800889
Dallas, TX 75380

Mail Date: 07/13/2010

Applicant	: Joseph D. Wert	: DECISION ON REQUEST FOR
Patent Number	: 7642600	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/635,321	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/07/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **516** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

OSHA LIANG LLP/Oracle
TWO HOUSTON CENTER
909 FANNIN, SUITE 3500
HOUSTON, TX 77010

Mail Date: 04/20/2010

Applicant	: Paul D. Sandoz	: DECISION ON REQUEST FOR
Patent Number	: 7636353	: RECALCULATION of PATENT
Issue Date	: 12/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/635,335	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/07/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **580** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
www.uspto.gov

PVF -- SUN MICROSYSTEMS INC.
C/O PARK, VAUGHAN & FLEMING LLP
2820 FIFTH STREET
DAVIS, CA 95618-7759

Mail Date: 04/21/2010

Applicant	: Alex Chow	: DECISION ON REQUEST FOR
Patent Number	: 7649255	: RECALCULATION of PATENT
Issue Date	: 01/19/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/635,336	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/06/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **344** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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STOUT, UXA, BUYAN & MULLINS LLP
4 VENTURE, SUITE 300
IRVINE CA 92618

10/15/09

In re Application of:	:	
CLAWSON, BURRELL E.	:	
Serial No.: 11/635,345	:	
Filed: Dec. 5, 2006	:	DECISION ON PETITION
Docket: D3264	:	
Title: SPLINES AND CAPS FOR FLUID PORTS	:	

This is a decision on the petition filed on October 14, 2008 seeking withdrawal of the finality of the Office action mailed July 11, 2008. This petition is being considered pursuant to 37 CFR §1.181. No fee is required.

The petition is dismissed as untimely.

In the October 14, 2008 petition, the petitioner requests the finality of the Office action of July 11, 2008 be reconsidered and withdrawn because the applicant believes that the final rejection of July 11, 2008 contains new ground of rejection. A review of the record shows that the instant petition was filed more than two months after the mailing date of the final Office action of July 11, 2008. Pursuant to 37 CFR 1.181(f)[1], the petition is not timely filed since the petition was not filed within two months of the action complained of. As the petition was not timely filed, the requested withdrawal of finality of the Office action of July 11, 2008 will not be granted.

In view of the record, petitioner's request to withdraw the finality of the Office action dated July 11, 2008 is dismissed as untimely. The application remains abandoned for failure to timely file an appeal brief as stated in the letter of May 22, 2009.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision, 37 CFR 1.181(f). No extension of time under 37 CFR 1.136(a) is permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181". The mere filing of a petition will not stay any period for

[1] 37 CFR 1.181(f): The mere filing of a petition will not stay any period for reply that may be running against the application, nor act as a stay of other proceedings. Any petition under this part not filed within two months of the mailing date of the action or notice from which relief is requested may be dismissed as untimely, except as otherwise provided. This two-month period is not extendable.

reply that may be running against the application, nor act as a stay of other proceedings. Any inquiry regarding this decision should be directed to Henry Yuen, Special Programs Examiner, at (571) 272-4856.

PETITION DISMISSED AS UNTIMELY.

Robert Olszewski, Director
Technology Center 3700

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
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CASCADIA INTELLECTUAL PROPERTY
500 UNION STREET
STE.1005
SEATTLE, WA 98101

MAILED

APR 27 2009

OFFICE OF PETITIONS

In re Application of	:	
BARDY, Gust H.	:	
Application No. 11/635,364	:	DECISION ON PETITION
Filed: December 06, 2006	:	TO WITHDRAW
Attorney Docket No. **115.0097USC3/03-426-CON3**	:	FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 01, 2009.

The request is not approved because it is **moot**.

A review of the file record indicates that the power of attorney to CASCADIA INTELLECTUAL PROPERTY has been revoked by the assignee of the patent application on April 20, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **PAULY, DEVRIES SMITH & DEFFNER, L.L.C.**
PLAZA VII- SUITE 3000
45 SOUTH SEVENTH STREET
MINNEAPOLIS MN 55402-1630

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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CASCADIA INTELLECTUAL PROPERTY
500 UNION STREET
STE.1005
SEATTLE, WA 98101

MAILED

APR 27 2009

OFFICE OF PETITIONS

In re Application of	:	
BARDY, Gust H.	:	
Application No. 11/635,364	:	DECISION ON PETITION
Filed: December 06, 2006	:	TO WITHDRAW
Attorney Docket No. **115.0097USC3/03-426-CON3**	:	FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 01, 2009.

The request is not approved because it is **moot**.

A review of the file record indicates that the power of attorney to CASCADIA INTELLECTUAL PROPERTY has been revoked by the assignee of the patent application on April 20, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **PAULY, DEVRIES SMITH & DEFFNER, L.L.C.**
PLAZA VII- SUITE 3000
45 SOUTH SEVENTH STREET
MINNEAPOLIS MN 55402-1630

UNITED STATES PATENT AND TRADEMARK OFFICE

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KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

Mail Date: 07/02/2010

Applicant	: Ian Halpern	: DECISION ON REQUEST FOR
Patent Number	: 7658188	: RECALCULATION of PATENT
Issue Date	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/635,381	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/06/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **734** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
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DINSMORE & SHOHL LLP
ONE DAYTON CENTRE, ONE SOUTH MAIN STREET
SUITE 1300
DAYTON OH 45402-2023

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MAR 1 3 2007

OFFICE OF PETITIONS

In re Application of :
Vasilyeva, et al. :
Application No. 11/635,414 : ON PETITION
Deposited: December 7, 2006 :
Attorney Docket No. MIO 0119 :
VA/40509.405
For: SILICON NITRiDE PASSIVATION
LAYERS HAVING OXIDIZED INTERFACE

This is a decision on correspondence entitled, " RESPONSE TO NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION," filed January 11, 2007 (certificate of mailing date January 8, 2007), requesting that the above-identified application be accorded a filing date of December 7, 2006. The correspondence will be treated as a petition under 37 CFR 1.53(e).

The petition under 37 CFR 1.53(e) is **GRANTED**.

The application was deposited on December 7, 2006. On December 29, 2006, the Office of Initial Patent Examination mailed a Notice informing applicants that no filing date had been accorded to the application papers deposited on December 7, 2006 because no drawings were present, as is required by 35 U.S.C. 113.

In response to the Notice, petitioners timely filed the present petition. Petitioners request that the above-identified application be accorded a filing date of December 7, 2006 on the basis that 1 sheet of drawings was received in the Patent and Trademark Office (PTO) on December 7, 2006. In support, the petition is accompanied by a copy of applicants' itemized postcard receipt showing an Office of Initial Patent Examination generated barcode citing December 7, 2006 as the date of receipt. The postcard lists, *inter alia*, that the filing included 1 sheet of drawings.

The return postcard constitutes *prima facie* evidence that 1 sheet of drawings were filed on December 7, 2006. MPEP 503. Accordingly, the request is granted.

The application is being returned to Office of Initial Patent Examination for further processing, with a filing date of December 7, 2006, using the copy of the 1 sheet of drawings submitted with

the instant petition. Office records will be corrected to show that 1 sheet of drawings was present on filing.

Any inquiries pertaining to this matter may be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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MAY 24 2010

OFFICE OF PETITIONS

YAHOO C/O MOFO PALO ALTO
755 PAGE MILL ROAD
PALO ALTO, CA 94304

In re Application of	:	
Liang-Yu (Tom) CHI, et al	:	
Application No. 11/635,443	:	DECISION ON PETITION
Filed: December 6, 2006	:	TO WITHDRAW
Attorney Docket No. 324212012200	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 23, 2010.

The request is **NOT APPROVED because it is moot**.

A review of the file record indicates that the power of attorney to Robert A. Saltzberg and all the attorneys of record associated with Customer No. 76102, has been revoked by the assignee of the patent application on April 16, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

Telephone inquires concerning this decision should be directed to undersigned at 571-272- 6735.

/dcg/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

cc: ROBERT A. SALTZBERG
MORRISON & FOERSTER LLP
425 MARKET STREET
SAN FRANCISCO CA 94105-2482

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/635,519	12/08/2006	Reiko Kawachi	04329.4056-00000	6170

7590 05/17/2010
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

EXAMINER
TRAN, THAI Q

ART UNIT	PAPER NUMBER
2621	

MAIL DATE	DELIVERY MODE
05/17/2010	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

Repln. Ref: 05/17/2010 NFARMER 0215002803
DMB:JCB:16 Name/Number:11635519
FC: 9204 $500.00 CR

Adjustment date: 05/17/2010 NFARMER
12711/2006 HDEMESS1 00000038 11635519
05 FC:1111 -500.00 OP

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/635,527	12/08/2006	Hiroshi Sakamoto	130525	6660

7590 06/03/2009
OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER
CALLAWAY, JADE R

ART UNIT	PAPER NUMBER
2872	

MAIL DATE	DELIVERY MODE
06/03/2009	PAPER

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment will not be recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

1. ☑ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).
2. ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
3. ☐ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.
4. ☐ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Tomi Farmer

Patent Publication Branch
Office of Data Management

FORM PET651D (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Attn: Ms. Maquita Wong
The Hong Kong Polytechnic University
Suite 600, Mailbox #119
1800 Diagonal Road
Alexandria, VA 22314

COPY MAILED

OCT 0 1 2008

OFFICE OF PETITIONS

In re Application of	:	
Shiming Deng, et al.	:	
Application No. 11/635,538	:	DECISION ON PETITION
Filed: December 8, 2006	:	TO WITHDRAW
Attorney Docket No. IP-358A	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 21, 2008.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Robert M. DeWitty on behalf of all attorneys of record. All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor Shiming Deng at the address indicated below.

Telephone inquiries concerning this decision should be directed to Terri Williams at 571-272-2991.

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Shiming Deng**
The Hong Kong Polytechnic University
Hung Hom
Kowloon, Hong Kong
China

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/635,538	12/08/2006	Shiming Deng	IP-358A

CONFIRMATION NO. 6655

POWER OF ATTORNEY NOTICE

OC000000032362921

ATTN: Ms. Maquita Wong
The Hong Kong Polytechnic University
Suite 600, Mailbox #119
1800 Diagonal Road
Alexandria, VA 22314

Date Mailed: 10/01/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/21/2008.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/tswilliams/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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LITMAN LAW OFFICES, LTD
PO BOX 15035
CRYSTAL CITY STATION
ARLINGTON VA 22215

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JAN 3 1 2007

OFFICE OF PETITIONS

In re Application of	:	
ALBANESE, Andrew	:	
Application No. 11/635,556	:	DECISION ON PETITION
Filed: December 8, 2006	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 18039.04	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed December 8, 2006, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age, must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes the statement of inventor Andrew Albanese, attesting to his age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7253.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3673 for action on the merits commensurate with this decision.

Monica A. Graves
Petitions Examiner
Office of Petitions

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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OFFICE OF PETITIONS

TROXELL LAW OFFICE, PLLC
P.O. BOX 1370
ANNANDALE VA 22003

In re Application of	:	
Ho-Kuei HUANG	:	
Application No. 11/635,573	:	DECISION ON PETITION
Filed: December 8, 2006	:	
Attorney Docket No. BHT-3106-443	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 10, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely pay the issue and publication fees on or before October 9, 2009. As required by the Notice of Allowance and Fee(s) Due, mailed July 9, 2009, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on October 10, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the Issue Fee of $755 and Publication Fee of $300; (2) the petition fee of $810; and (3) and the required statement of unintentional delay.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition desires to receive future correspondence regarding this application, the appropriate power of attorney document must be submitted. While a courtesy copy of this decision is being mailed to the person signing the petition, all future correspondence will be directed to the address currently of record until appropriate instructions are received.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

The application is being referred to the Office of Data Management for processing into a patent.

/DCG/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

cc: YEN JUNG SUNG
21-80 38 ST. #C8
ASTORIA, NY 11105

UNITED STATES PATENT AND TRADEMARK OFFICE

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LUCE, FORWARD, HAMILTON & SCRIPPS LLP
2050 MAIN STREET, SUITE 600
IRVINE CA 92614

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OCT 27 2009

OFFICE OF PETITIONS

In re Application of	:	
Lynn Miriam DePass	:	DECISION ON PETITION
Application No. 11/635,574	:	TO WITHDRAW
Filed: December 8, 2006	:	FROM RECORD
Title: Ergonomic Animal Suspender Harness Vest	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 29, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office will require the practitioner(s) to certify that he, she or they have: (1) given reasonable notice to the client, prior to the expiration of the reply period, which the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any replies that may be due and the time frame within which the client must respond, pursuant to 37 CFR 10.40 (c).

The request was signed by Peter J. Gluck on behalf of all attorneys of record who are associated with Customer No. 86451.

All attorneys/agents associated with Customer Number 86451 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the applicant at the address indicated below.

Currently, there is an outstanding Office action mailed March 30, 2009 that requires a reply.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-7751. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Joan Olszewski
Petitions Examiner
Office of Petitions

cc: Lynn Miriam DePass
2615 Mount View Dr
Farmers Branch, TX 75234

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Commissioner for Patents
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Alexandria, VA 22313-1450
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BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

Applicant: Keeyoung Jun et al.
Appl. No.: 11/635,600
Filing Date: December 8, 2006
Title: THIN FILM PREPARATION APPARATUS
Attorney Docket No.: 5485-0101PUS1
Pub. No.: US 2007/0163503-A1
Pub. Date: July 19, 2007

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MAR 04 2008
OFFICE OF PETITIONS

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on October 24, 2007, for the above-identified application.

The request is DISMISSED.

Applicants request that the application be republished because the front page of the patent application publication contains an error with respect to the assignment information. In particular, Applicants request that the Assignee be changed from "Mitsubishi Heavy Industries, Ltd." to "Phyzchemix Corporation" and "Mr. Suguru Noda".

37 CFR 1.221(b) is applicable "only when the Office makes a material mistake which is apparent from Office records. Any request for a corrected or revised patent application publication other than as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. [1]

The instant request does not identify a mistake in the publication made by the Office under 37 CFR 1.221(b) with respect to the assignment information. The application was correctly published with the assignment information provided on the application data sheet.[2] Mitsubishi Heavy Industries, Ltd. was identified as the Assignee on the application data sheet filed December 8, 2006.

---

[1] Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).
[2] See 37 CFR 1.215 and Comment 59, Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57047 (Sept. 20, 2000), 1239 Off. Gaz. Pat. Office Notices 63, 84 (Oct. 10, 2000) (final rule).

Applicants should not file requests for corrected publication when a publication includes errors in assignment information or missing assignment information. See MPEP 1130.

Applicants are reminded of the duty to conduct a reasonable inquiry before filing a paper before the Office. See MPEP 410.

Applicants' request for a corrected patent application publication, received on October 24, 2007, may constitute a "failure of the applicant to engage in reasonable efforts to conclude processing or examination of an application." See 37 CFR 1.704(c). This determination will be made on or after a mailing of a Notice of Allowance.

Applicants are advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application in compliance with the Office electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

Any request for republication under 37 CFR 1.221(a) must be submitted via the EFS system as a "Pre-Grant Publication" and any questions or request for reconsideration of the decision should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

By facsimile: 571-273-8300

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.

Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

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FORD GLOBAL TECHNOLOGIES
C/O MOFO NOVA
1650 TYSONS BLVD.
SUITE 300
MCLEAN, VA 22102

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JAN 12 2009

In re Application of	:	
BUCHWITZ, Joe L. et al.	:	
Application No. 11/635,650	:	DECISION ON PETITION
Filed: December 08, 2006	:	TO WITHDRAW
Attorney Docket No. **81149723**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 22, 2008.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to Ford Global Technologies/Morrison & Foester LLP has been revoked by the assignee of the patent application on January 05, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Michelle R. Eason at 571-272-4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **O"BRIEN JONES, PLLC (W/ FORD MOTOR CO.)**
8200 GREENSBORO DRIVE
SUITE 1020A
MCLEAN, VA 22102

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/635,672	12/08/2006	Hong-Don Joo	P3331US00	6248

7590 12/11/2009
H.C. PARK & ASSOCIATES, PLC
8500 LEESBURG PIKE
SUITE 7500
VIENNA, VA 22182

EXAMINER
DUONG, DUC T

ART UNIT	PAPER NUMBER
2467	

NOTIFICATION DATE	DELIVERY MODE
12/11/2009	ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Nimi Farmer

Patent Publication Branch
Office of Data Management

Repin. Ref: 12/10/2009 NFARMER 0012135402
[illegible] Name/Number:11635672
[illegible] $500.00 CR

Adjustment date: 12/10/2009 NFARMER
12/11/2006 ZJUHAR1 00005017 11635672
02 FC:1111 -500.00 OP

FORM PET651G (Rev. 08/07)

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OFFICE OF PETITIONS

DONN K. HARMS
PATENT & TRADEMARK LAW CENTER
SUITE 100
12702 VIA CORTINA
DEL MAR CA 92014

In re Application of	:	
Rafic Saleh	:	
Application No. 11/635,700	:	DECISION ON PETITION
Filed: December 6, 2006	:	
Attorney Docket No. 3780-PAT	:	

This is a decision on the petition, filed April 22, 2010, which is being treated as a petition under 37 CFR 1.8(b), requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to timely respond to the Office action of August 6, 2009, which set a three (3) month shortened statutory period for reply. Accordingly, a reply was due on or before November 6, 2009.

Petitioner states that a timely reply was mailed via certificate of mailing on February 12, 2010, which included the following papers: Transmittal Form; Amendment; Three Month Extension of Time and a Request for Continued Examination (the fee of $405.00 will be charged to petitioner's deposit account as the RCE will **not** be treated as a **conditional** request for continued examination). Petitioner has submitted a copy of the previously mailed correspondence, which bears a certificate of mailing dated February 12, 2010, (since the 3 month

extension deadline to file a response fell on a Saturday, February 6, 2010, the response would need to be submitted the following Monday, February 8, 2010. However, because of the severe weather the USPTO was closed on Monday, February 8, 2010 through Thursday, February 11, 2010), which would have rendered the reply timely if received.

In view of the above, the holding of abandonment is hereby withdrawn and the application restored to pending status.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 3731 for appropriate action by the Examiner in the normal course of business on the reply received February 22, 2010 and resubmitted on April 22, 2010.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

Newsome, Lamonte

From: Berhane, Adolf
Sent: Monday, May 18, 2009 7:57 PM
To: Newsome, Lamonte
Cc: Ullah, Akm
Subject: RE: 11635763

From: Newsome, Lamonte
Sent: Monday, May 18, 2009 4:08 PM
To: Berhane, Adolf
Cc: Ullah, Akm
Subject: 11635763

Paper No.: _____

DATE : 5/18/09

TO SPE OF : ART UNIT 2838

SUBJECT : Request for Certificate of Correction for Appl. No.: 11635763 Patent No.: 7436163 B2

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
South Tower - 9A22
Palm Location 7580
You can fax the Directors/SPE response to 571-270-9990

LAMONTE

NEWSOME

Certificates of

Correction Branch

703-756-1574

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

X **Approved** — **All** changes apply.

☐ **Approved in Part** — Specify below which changes **do not** apply.

☐ **Denied** — State the reasons for denial below.

Comments: _____

2838

/AB/
SPE
Art Unit

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DAVIS BUJOLD & Daniels, P.L.L.C.
112 PLEASANT STREET
CONCORD NH 03301

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In re Application of :
McDonnell et al. :
Application Number: 11/635777 : ON PETITION
Filing Date: 12/07/2006 :
Attorney Docket Number: THOLAM :
P336US :

This is a decision on the petition to withdraw the holding of abandonment filed on October 14, 2008.

This application was held abandoned for failure to timely respond to the Notice of Allowance and Fee(s) Due mailed on May 19, 2008, which set a three (3) month shortened statutory period for reply. Notice of Abandonment was mailed on September 11, 2008. On October 14, 2008, the subject petition was filed.

Petitioner requests that the Office withdraw the holding of abandonment due to non-receipt of the Notice of Allowance and Fee(s) Due mailed on May 19, 2008. In support of the allegation that the Notice of Allowance and Fee(s) Due mailed on May 19, 2008 was never received, petitioner has submitted a copy of counsel's firm docket record and provided a statement by registered patent practitioner Michael J. Bujold, stating that he searched the patent file and docketing records concerning the above-identified application, and confirms that the Notice of Allowance and Fee(s) Due was apparently never received by counsel's office.

A review of the record indicates no irregularity in the mailing of the Notice of Allowance and Fee(s) Due mailed on May 19, 2008, and in the absence of any irregularity in the mailing, there is a strong presumption that the Notice of Allowance and Fee(s) Due mailed on May 19, 2008 was properly mailed to the address of record. This presumption may be overcome by a showing that the Notice of Allowance and Fee(s) Due mailed on May 19, 2008 was not in fact received.

MPEP 711.03(c) states, in pertinent part:

> In Delgar v. Schulyer, 172 USPQ 513 (D.D.C. 1971), the court decided that the Office should mail a new Notice

of Allowance in view of the evidence presented in support of the contention that the applicant's representative did not receive the original Notice of Allowance. Under the reasoning of Delgar, an allegation that an Office action was never received may be considered in a petition to withdraw the holding of abandonment. If adequately supported, the Office may grant the petition to withdraw the holding of abandonment and remail the Office action. That is, the reasoning of Delgar is applicable regardless of whether an application is held abandoned for failure to timely pay the issue fee (35 U.S.C. 151) or for failure to prosecute (35 U.S.C. 133).

To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.

Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.

A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence

> such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.
>
> (emphasis added)

Accordingly, there was no abandonment in fact. The Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

The petition is **GRANTED.**

The application is being referred to Technology Center Art Unit 2857 for remailing of the Notice of Allowance and Fee(s) Due mailed on May 19, 2008. The period for reply will be reset from the mailing date thereof.

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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JON E. KAPPES
LAW OFFICES OF STEVEN G. LISA, LTD.
C/O INTELLEVATE, LLC.
P.O. BOX 52050
MINNEAPOLIS, MN 55402

MAILED

JUN 21 2010

OFFICE OF PETITIONS

In re Application of	:	
Richard J. HELFERICH	:	
Application No. 11/635,781	:	DECISION GRANTING PETITION
Filed: December 8, 2006	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **W2W-11635781**	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed June 21, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on May 10, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 2612 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

cc: **JON E. KAPPES**
LAW OFFICES OF STEVEN G. LISA, LTD.
55 WEST MONROE STREET, SUITE 3210
CHICAGO, IL 60603

---

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form* ***must*** *be completed and timely submitted to avoid abandonment of the application.*

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DRINKER BIDDLE & REATH (DC)
1500 K STREET, N.W.
SUITE 1100
WASHINGTON, DC 20005-1209

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JUN 10 2010

OFFICE OF PETITIONS

In re Application of
Rickard Sundstrom, et al.
Application No. 11/635,782
Filed: December 8, 2006
Attorney Docket No.: 47113-5110

ON PETITION

This is a decision in response to the petition, filed March 26, 2010, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

The application became abandoned for a failure to reply in a timely manner to a non-final Office action mailed August 28, 2009, which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on November 29, 2009. A Notice of Abandonment was mailed on March 18, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of amendment; (2) the petition fee of $1,620; and (3) an adequate statement of unintentional delay.

The application is being referred to Technology Center AU 1794 for appropriate action by the Examiner in the normal course of business on the reply received March 26, 2010.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204. Inquiries relating to further prosecution should be directed to the Technology Center.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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MORGAN LEWIS & BOCKIUS LLP
1111 PENNSYLVANIA AVENUE NW
WASHINGTON DC 20004

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FEB 07 2008

OFFICE OF PETITIONS

In re Application of	:	
Barry Gosselin et al	:	DECISION REFUSING STATUS
Application No. 11/635,793	:	UNDER 37 CFR 1.47(a)
Filed: December 8, 2006	:	
Attorney Docket No. 060911-5001	:	

This is in response to the petition under 37 CFR 1.47(a), filed June 22, 2007.

The petition is dismissed.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Any extensions of time will be governed by 37 CFR 1.136(a).

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor. Applicant lacks items (1), and (2).

As to item (1), rule 47 applicant must demonstrate with documented evidence that an inventor refuses to join in the application after having been presented with the application papers (specification, claims, drawings and oath or declaration). There is no indication herein that joint inventors Barry Gosselin and Michael Gonley were presented with a copy of the complete application papers for this application. From the evidence of record, it only appears that a copy of the application papers was presented to Lars S. Johnson, Chief Patent Counsel at PepsiCo. If the joint inventors were not presented with a copy of the application papers for this application,

then the joint inventors could not attest that they have "reviewed and understand the application papers" and could not execute the declaration they were requested to sign. Did the joint inventors receive a copy of the application papers? The fact that an application may contain proprietary information does not relieve the rule 47 applicant of the responsibility to present the application papers to the joint inventors if the inventors are willing to receive the papers in order to sign the oath or declaration. Unless petitioner can show that a copy of the application papers was presented to the joint inventors, then petitioner will have to mail a copy of the complete application papers (specification, claims and drawings) to the last known address of the joint inventors, return receipt requested. A cover letter of instructions should accompany the mailing of the application papers setting a deadline or a statement that no response will constitute a refusal. This sort of ultimatum lends support to a finding of refusal by conduct. **The proof of the pertinent events should be made by a statement of someone with firsthand knowledge of the events and should include documentary evidence, such as certified mail return receipt, cover letter of instructions, telegram, etc.** *See* MPEP 409.03(d).

Where there is an express or oral refusal, that fact, along with the time and place of the refusal, must be stated in an affidavit or declaration **by the party to whom the refusal was made.** Where there is a written refusal, a copy of the document(s) evidencing that refusal must be made part of the affidavit or declaration.

When it is concluded by the rule 47 applicant that an omitted inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in an affidavit or declaration. If there is documentary evidence to support facts alleged in the affidavit or declaration, such evidence must be submitted.

Whenever an omitted inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the affidavit or declaration.

As to item (2), The declaration of June 22, 2007 does not set forth the post office address of the joint inventors. An oath or declaration in compliance with 37 CFR 1.63 and 1.64 signed by Shi-Qui Zhang on behalf of himself and the joint inventors is REQUIRED. *See* 37 CFR 1.76 and MPEP 409.03(a).

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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SEP 18 2008

MORGAN LEWIS & BOCKIUS LLP
1111 PENNSYLVANIA AVENUE NW
WASHINGTON DC 20004

In re Application of	:	
Barry Gosselin et al	:	DECISION GRANTING STATUS
Application No.11/635,793	:	UNDER 37 CFR 1.47(a)
Filed: December 8, 2006	:	
Attorney Docket No. 060911-5001	:	

This is in response to the renewed petition under 37 CFR 1.47(a), filed June 6, 2008 and supplemented on September 17, 2008.

The petition is **GRANTED.**

Petitioner has shown that the non-signing inventor has refused to join in the filing of the above-identified application.

The application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This application is being referred to the Office of Patent Application Processing for pre-examination processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3208.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/635,795	12/08/2006	Soeng-Hun Kim	52984	6116

7590 05/21/2008
ROYLANCE, ABRAMS, BERDO & GOODMAN, L.L.P.
1300 19TH STREET, N.W.
SUITE 600
WASHINGTON,, DC 20036

EXAMINER
BOST, DWAYNE D

ART UNIT	PAPER NUMBER
2617	

MAIL DATE	DELIVERY MODE
05/21/2008	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Tom Farmer

Patent Publication Branch
Office of Data Management

Refund Ref:
05/22/2008 NFARMER 0000162814

CHECK Refund Total: $1500.00

Adjustment date: 05/22/2008 NFARMER
05/04/2007 DEMMANU1 00000110 11635795
03 FC:1111 -500.00 OP
05 FC:1201 -400.00 OP
06 FC:1202 -600.00 OP

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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PEACOCK MYERS, P.C.
201 THIRD STREET, N.W.
SUITE 1340
ALBUQUERQUE, NM 87102

Mail Date: 04/21/2010

Applicant	: January Kister	: DECISION ON REQUEST FOR
Patent Number	: 7649367	: RECALCULATION of PATENT
Issue Date	: 01/19/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/635,809	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/06/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **374** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

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OSHA LIANG, LLP
TWO HOUSTON CENTER
909 FANNIN, SUITE 3500
HOUSTON, TX 77010

MAILED

JUN 18 2010

OFFICE OF PETITIONS

In re Application of	:	
Michel Maillard, et al.	:	
Application No. 11/635,836	:	DECISION GRANTING PETITION
Filed: December 8, 2006	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 17250/016002	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed June 17, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on May 19, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries regarding this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

This application is being referred to Technology Center AU 2432 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

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[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

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JUL 29 2008

Leon R. Yankwich
Yankwich & Associates, P.C.
201 Broadway
Cambridge MA 02139

In re Application of:	:
Barras et al.	:
Serial No.: 11/635,862	: PETITION DECISION
Filed: December 8, 2006	:
Attorney Docket No.: ABL-010.1 US-1	

This is in response to the petition under 37 CFR § 1.59(b), filed July 22, 2008, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that the Reply to Request for Information Under 37 CFR 1.105, and attachment thereto, submitted to the Patent Office on July 22, 2008, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

This is an application which has not been examined. As such the information provided has not been reviewed, and proceedings in the application have not been terminated. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. The information cannot be expunged at this time.

The petition is **DISMISSED**. Petitioner may resubmit the petition subsequent to a Notice of Allowability or *ex parte Quayle* action being mailed in the application. No additional petition fee will be required at that time.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 703-872-9306.

Marianne C. Seidel
Quality Assurance Specialist
Technology Center 1600

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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JUN 11 2010

OFFICE OF PETITIONS

DICKE, BILLIG & CZAJA
FIFTH STREET TOWERS
100 SOUTH FIFTH STREET, SUITE 2250
MINNEAPOLIS, MN 55402

In re Application of Li et al. :
Application No. 11/635,874 : Decision on Petition
Filing Date: December 8, 2006 :
Atty. Docket No. I431.185.101/FIN944US :

This is a decision on the petition under 37 CFR 1.137(b), filed February 4, 2010, to revive the above-identified application.

The petition is **granted**.

The Office mailed a final Office action on April 14, 2009.

An amendment was filed on Monday, June 15, 2009.

When a reply is filed within two months of the date the final Office action was mailed, and an advisory action is not mailed until more than three months after the date the final Office action was mailed, the application shortened statutory period expires on the date the advisory action is mailed. If an Office advisory action is not mailed within six-months of the date the final Office action was mailed, then the application becomes abandoned upon the expiration of the statutory six-month time period.

The last date of the statutory six-month time period was October 14, 2009. An advisory action was not mailed until December 1, 2009. Therefore, the application became abandoned on October 15, 2009.

A Notice of Abandonment was mailed December 24, 2009.

The instant petition requests revival of the application.

A grantable petition under 37 CFR 1.137(b) must be accompanied by:

(1) The reply required to the outstanding Office action or notice, unless previously filed,

(2) The petition fee,

(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, and

(4) A terminal disclaimer and fee if the application was filed on or before June 8, 1995 or if the application is a design application.

Petitioner has submitted a reply in the form of a request for continued examination. Petitioner has submitted the required petition fee of $1,620. Petitioner has stated the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.

Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b). Therefore, the petition is granted and the application is revived.

Technology Center Art Unit 2826 will be informed of the instant decision and the application will be further examined in due course.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

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JUN 16 2009

OFFICE OF PETITIONS

MORRISON & FOERSTER LLP
755 PAGE MILL RD
PALO ALTO, CA 94304-1018

In re Application of	:	
Michael S. JOHN, et al	:	
Application No. 11/635,885	:	DECISION ON PETITION
Filed: December 7, 2006	:	TO WITHDRAW
Attorney Docket No. 459992002700	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 24, 2009.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to Morrison & Foerster LLP, has been revoked by the assignee of the patent application on June 3, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

Telephone inquires concerning this decision should be directed to undersigned at 571-272- 6735.

Diane Goodwyn
Petitions Examiner
Office of Petitions

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ROCHE PALO ALTO LLC
PATENT LAW DEPT. M/S A2-250
3431 HILLVIEW AVENUE
PALO ALTO CA 94304

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SEP 21 2007

OFFICE OF PETITIONS

In re Application of
Byoung-Kwon Chun, Jeremy Clark, Sarma Keshab and Peiyun Wang
Application No.11/635,898
Filed: December 8, 2006
Attorney Docket No. R00263B-REG
Title of Invention: Antiviral Nucleosides

DECISION GRANTING STATUS UNDER 37 CFR 1.47(a)

This is in response to the petition under 37 CFR 1.47(a) filed April 20, 2007.

The petition is GRANTED.

Petitioner has shown that the non-signing inventor Clark has refused to join in the filing of the above-identified application after having been presented with the application papers. The declaration attest a copy of the application was sent to non-signing inventor's last known address. Petitioner has presented evidence of the non-signing inventor's express refusal to execute the application papers.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the *Official Gazette*.

After this decision is mailed, the application will be forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3215.

Charlema R. Grant

Charlema R. Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Jeremy Clark
349 S. Burbank Drive
Birmingham, Alabama 35226

In re Application of
Byoung-Kwon Chun, Jeremy Clark, Sarma Keshab and Peiyun Wang
Application No.11/635,898
Filed: December 8, 2006
Attorney Docket No. R00263B-REG
Title of Invention: Antiviral Nucleosides

LETTER

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SEP 21 2007
OFFICE OF PETITIONS

Dear Mr. Clark:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. § 116 (United States Code) and 37 C.F.R. § 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost as per 37 C.F.R. § 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 C.F.R. § 1.63.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Charlema R. Grant at (571) 272-3215. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Charlema R. Grant

Charlema R. Grant
Petitions Attorney
Office of Petitions

ROCHE PALO ALTO LLC
PATENT LAW DEPT. M/S A2-250
3431 HILLVIEW AVENUE
PALO ALTO CA 94304
ATTN: Brian Buckwalter

UNITED STATES PATENT AND TRADEMARK OFFICE

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CHARLES E. BAXLEY, ESQUIRE
90 JOHN STREET
SUITE 309
NEW YORK, NY 10038

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FEB 01 2010

In re Application of Frank Catallo Application No. 11/635,915 Filed: December 7, 2006 Attorney Docket No. R 16141 B	: : : : :	DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 19, 2009, to revive the above-identified application.

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. In accordance with 37 CFR 1.34(a), the signature appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party in whose behalf he/she acts. However, if petitioner desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. All future correspondence regarding this application file will be directed solely to the address of record until otherwise instructed.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, April 2, 2009, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on July 3, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $810, and (3) a proper statement of unintentional delay.

In view of the above, the petition is **GRANTED**.

Telephone inquiries concerning this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

This application is being referred to Technology Center AU 3651 for appropriate action by the Examiner in the normal course of business on the reply received November 19, 2009.

April M. Wise
Petitions Examiner
Office of Petitions

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MORRISON & FOERSTER, LLP
555 WEST FIFTH STREET
SUITE 3500
LOS ANGELES CA 90013-1024WASHINGTON DC 20036

MAILED

JUN 03 2010

OFFICE OF PETITIONS

In re Application of Michael A. Sheha, et al. Application No. 11/635,917 Filed: December 7, 2006 Attorney Docket No. 513162001000	: : : : :	DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36, filed April 22, 2010.

The request is **NOT APPROVED**.

The request cannot be approved because it lacks a forwarding correspondence address of the first named inventor or a properly intervening assignee.

If the forwarding correspondence address is to the assignee, the Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *that properly became of record under 37 CFR 3.71.* 37 CFR 3.71(c) states:

> *An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.*

The assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, the statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-2991.

Terri Johnson
Petitions Examiner
Office of Petitions

cc: **NETWORKS IN MOTION, INC.**
6A, LIBERTY, 2ND FLOOR
ALISO VIEJO, CA 92656

UNITED STATES PATENT AND TRADEMARK OFFICE

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ROPES & GRAY LLP
PATENT DOCKETING 39/361
1211 AVENUE OF THE AMERICAS
NEW YORK, NY 10036-8704

MAILED

JUL 14 2009

OFFICE OF PETITIONS

In re Application of	:	
Hugues Citeau	:	DECISION ON PETITION
Application No. 11/635,918	:	TO WITHDRAW
Filed: December 7, 2006	:	FROM RECORD
Attorney Docket No. ILOC-015-101	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 4, 2009.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to practitioners associated with Ropes & Gray LLP, were revoked by the assignee of the patent application on May 28, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-6059.

A. Kelley

Alicia Kelley
Petitions Examiner
Office of Petitions

cc: CAREY, RODRIGUEZ, GREENBERG & PAUL, LLP
STEVEN M. GREENBERG
950 PENINSULA CORPORATE CIRCLE
SUITE 3020
BOCA RATON, FL 33487

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SCHWEGMAN, LUNDBERG & WOESSNER/SAP
P.O. BOX 2938
MINNEAPOLIS MN 55402

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MAR 30 2009

OFFICE OF PETITIONS

In re Application of	:	
Drumm, et al.	:	
Application No. 11/635,930	:	DECISION ON PETITION
Filed: December 7, 2006	:	
Attorney Docket No. 2058.125US1	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 27, 2009 (certificate of mailing date February 23, 2009), to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before January 5, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed October 3, 2009. A Notice of Abandonment was mailed on January 28, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $1,510.00 and the publication fee of $300.00, (2) the petition fee of $1,620.00; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3230.

This application is being referred to the Office of Data Management for processing into a patent.

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP
300 S. WACKER DRIVE
32ND FLOOR
CHICAGO, IL 60606

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JUN 18 2010

OFFICE OF PETITIONS

In re Application of	:	
Christine C. Genick, et al.	:	
Application No. 11/635,934	:	DECISION GRANTING PETITION
Filed: December 8, 2006	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 00-1123-J2	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed June 17, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on April 6, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries regarding this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

This application is being referred to Technology Center AU 1641 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

---

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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In re Application of
Glen Gordon

Application No. 11636018

Filed: December 8,2006

Attorney Docket No. 7451-72690-03

:DECISION ON PETITION TO MAKE SPECIAL
:UNDER 37 CFR 1.102(c)(1)

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 20-OCT-2008 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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WEI TE CHUNG
FOXCONN INTERNATIONAL, INC.
1650 MEMOREX DRIVE
SANTA CLARA, CA 95050

Mail Date: 04/21/2010

Applicant	: Chih-Chia Yu	: DECISION ON REQUEST FOR
Patent Number	: 7656470	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/636,061	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/07/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **483** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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Alexandria, VA 22313-1450
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PAUL D. YASGER
ABBOTT LABORATORIES
100 ABBOTT PARK ROAD
DEPT. 377/AP6A
ABBOTT PARK IL 60064-6008

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OCT 01 2008

In re Application of	:	
Walter DZIKI et al.	:	
Application No. 11/636,065	:	DECISION ON PETITION
Filed: December 08, 2006	:	
Attorney Docket No. **8051USO2**	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 23, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, August 13, 2007, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on the November 14, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of 1540, and (3) a proper statement of unintentional delay. Accordingly, the reply to the non-final Office action of August 13, 2007 is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at (571) 272-2783.

This application is being referred to Technology Center AU 1624 for appropriate action on the concurrently filed amendment.

Ramesh Krishnamurthy

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

PTO/SB/64 (01-08)
Approved for use through 07/31/2008. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)

Docket Number (Optional) 8051USO2

First named inventor: Dziki Walter, et al.

Application No.: 11/636,065 Art Unit: 1624

Filed: December 8, 2006 Examiner: Noble E. Jarell

Title: CRYSTALLINE LESTAURTINIB HYDRATES AND CRYSTALLINE LESTAURTINIB HEMIHYDRATE HEMIACETONITRILEATE AND CRYSTALLINE LESTAURTINIB HEMIHYDRATE HEMITETRAHYDROFURANATE

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:
(1) Petition fee;
(2) Reply and/or issue fee;
(3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
(4) Statement that the entire delay was unintentional.

1. Petition fee
☐ Small entity-fee $ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☑ Other than small entity – fee $ 1540.00 (37 CFR 1.17(m))

2. Reply and/or fee
A. The reply and/or fee to the above-noted Office action in the form of Amendment A (identify type of reply):

☐ has been filed previously on _____.
☑ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of $ _____.
☐ has been paid previously on _____.
☐ is enclosed herewith.

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

☑ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of $ _____ for a small entity or $ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

/B. Gregory Donner, Reg No. 34,580/	July 23, 2008
Signature	Date
B. Gregory Donner	34,580
Typed or printed name	Registration Number, if applicable
Bldg. AP6A-1 Dept. 0377, 100 Abbott Park Road	847-937-3810
Address	Telephone Number
Abbott Park, IL 60064	
Address	

Enclosures:
☑ Fee Payment
☑ Reply
☐ Terminal Disclaimer Form
☐ Additional sheets containing statements establishing unintentional delay
☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☑ Transmitted by EFS WEB on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

07/23/08	/Melissa Solis/
Date	Signature
	Melissa Solis
	Typed or printed name of person signing certificate

Trash

RAM Fee History Query

Revenue Accounting and Management

Name/Number: 11636065 Total Records Found: 6

Start Date: Any Date End Date: Any Date

Accounting Date	Sequence Num.	Fee Type	Fee Code	Fee Amount	Mailroom Date	Payment Method
07/24/2008	00003103	4	1453	$1,540.00	07/23/2008	DA 010025
01/26/2007	00000535	4	8021	$40.00	01/26/2007	DA 010025
12/12/2006	00000124	1	1011	$300.00	12/08/2006	DA 010025
12/12/2006	00000125	1	1111	$500.00	12/08/2006	DA 010025
12/12/2006	00000126	1	1311	$200.00	12/08/2006	DA 010025
12/12/2006	00000127	1	1201	$1,200.00	12/08/2006	DA 010025

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SEP 23 2008

Leon R. Yankwich
Yankwich & Associates, P.C.
201 Broadway
Cambridge MA 02139

In re Application of:	:
Barras et al.	:
Serial No.: 11/636,105	: PETITION DECISION
Filed: December 8, 2006	:
Attorney Docket No.: ABL-010.1 US-2	

This is in response to the petition under 37 CFR § 1.59(b), filed July 9, 2008 to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that the Reply to Request for Information Under 37 CFR 1.105, and attachment thereto, submitted to the Patent Office on July 9, 2008, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

This is an examined application which is currently under non-final rejection. As such the information provided has been reviewed, in part, but proceedings in the application have not been terminated. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. The information cannot be expunged at this time.

The petition is **DISMISSED**. Petitioner may resubmit the petition subsequent to a Notice of Allowability or *ex parte Quayle* action being mailed in the application. No additional petition fee will be required at that time.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 703-872-9306.

Marianne C. Seidel
Quality Assurance Specialist
Technology Center 1600

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201 THIRD STREET, N.W.
SUITE 1340
ALBUQUERQUE NM 87102

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MAY 1 4 2008

OFFICE OF PETITIONS

In re Application of	:	
Nikita Shulga	:	
Application No. 11/636,118	:	DECISION ON PETITION
Filed: December 7, 2006	:	TO WITHFRAW
Attorney Docket No. 32480-1001-C1	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR 1.36(b) filed January 14, 2008.

The request is **NOT APPROVED.**

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 CFR § 1.136(a).

The request cannot be approved because the person signing the request, Justin R. Jackson, is not an attorney/agent of record in the above-identified application.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Carl Friedman at 571-272-6842.

Carl Friedman
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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NORTH WEBER & BAUGH LLP
2479 E. BAYSHORE ROAD
SUITE 707
PALO ALTO CA 94303

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MAY 20 2009

OFFICE OF PETITIONS

In re Application of	:	
Amit Subhash Kelkar et al	:	
Application No. 11/636,144	:	DECISION ON PETITION
Filed: December 7, 2006	:	
Attorney Docket No. 20057-1179	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 3, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The two-month period for filing an appeal brief under 37 CFR 41.37 (accompanied by the fee required by 37 CFR 41.20(b)(2)), runs from the date of this decision.

This application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of October 2, 2008. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2)), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination (RCE) and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2).

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Notice of Appeal; (2) the petition fee of $1,620.00; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 2892 to await the filing of an appeal brief or for such other appropriate reply as may be submitted to continue prosecution of the application.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Advantedge Law Group, LLC
3301 N. University Avenue
Suite 200
Provo, UT 84604

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OFFICE OF PETITIONS

In re Application of
David K. L. Peterson et al.
Application No. 11/636,146
Filed: December 7, 2006
Attorney Docket No. 3013-0118 (05-00668-03)

DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 14, 2008.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The Office cannot approve the request at this time since the reasons provided do not meet any of the conditions under the mandatory or permissive categories enumerated in 37 CFR 10.40. Section 10.40 of Title 37 of the Code of Federal Regulation states, "[a] practitioner shall not withdraw from employment in a proceeding before the Office without permission from the Office[.]" More specifically, 37 CFR 10.40 states, "[i]f paragraph (b) of this section is not applicable, a practitioner may not request permission to withdraw in matter pending before the Office unless such request or such withdrawal is" for one the permissive reasons listed in 37 CFR 10.40(c). The reason set forth in the request, "ownership transfer," does not meet any of the conditions set forth in 37 CFR 10.40.

A courtesy copy of this decision is being mailed to applicant, since no assignee has properly intervened in this application.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

There are no outstanding Office actions at this time.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272- 4618.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: David K.L. Peterson
28743 Woodside Drive
Saugus, CA 91390

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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Treyz Law Group
870 Market Street, Suite 984
SAN FRANCISCO, CA 94102

Mail Date: 04/21/2010

Applicant	: Emery Sanford	: DECISION ON REQUEST FOR
Patent Number	: 7658095	: RECALCULATION of PATENT
Issue Date	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/636,152	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/07/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **168** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

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WOODCOCK WASHBURN LLP
(MICROSOFT CORPORATION)
CIRA CENTRE, 12TH FLOOR
2929 ARCH STREET
PHILADELPHIA, PA 19104-2891

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OFFICE OF PETITIONS

In re Application of	:	
Yates et al.	:	
Application No. 11/636166	:	
Filing or 371(c) Date: 12/08/2006	:	DECISION
Attorney Docket Number:	:	ON PETITION
MSFT-5856/319153.01	:	

This is a decision on the "Petition to Accord Filing Date Incorrectly Entered Due to Incorrect 'Date-In' on Express Mail Label Pursuant to 37 C.F.R. § 1.10(d))", filed April 9, 2007, requesting that the above-identified application be accorded a filing date of December 8, 2006, rather than the presently accorded filing date of December 7, 2006.

Petitioner alleges that the application was deposited in Express Mail service on December 8, 2006. Petitioner has filed the appropriate documentary and corroborating evidence demonstrating that December 8, 2006, was the date the correspondence was deposited Express Mail Post Office to Addressee.

In view of the above, the petition is **granted**.

This application file will be forwarded to the Office of Initial Patent Examination for correction of the filing date to December 8, 2006, and for the mailing of a corrected filing receipt.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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DICKE, BILLIG & CZAJA
FIFTH STREET TOWERS
100 SOUTH FIFTH STREET, SUITE 2250
MINNEAPOLIS, MN 55402

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OFFICE OF PETITIONS

In re Application of
Simon Hainz et al
Application No. 11/636,178
Filed: December 8, 2006
Attorney Docket No. I434.141.101/IFT1222US

ON PETITION

This is a decision on the petition, filed January 21, 2009 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on December 9, 2008 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 2862 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

---

[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

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ONE AMGEN CENTER DRIVE
THOUSAND OAKS CA 91320-1799

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JUN 07 2007

OFFICE OF PETITIONS

In re Application of	:	
Liu et al.	:	DECISION ON PETITION
Application No. 11/636,183	:	
Deposited: 7 December, 2006	:	
Atty Docket No. A-1084-US-NP	:	

This is a decision on the petition under 37 CFR 1.57(a), filed on 8 March, 2007, requesting that the above-identified application be accorded a filing date of 7 December, 2006.

The petition is **DISMISSED**.

On 7 December, 2006, the instant application was deposited without drawings.

Accordingly, on 8 January, 2007, the Office of Initial Patent Examination (OIPE) mailed a Notice of Incomplete Nonprovisional Application, stating the application had not been accorded a filing date because the application had been deposited without drawings. A two (2) month period for reply was set.

On 8 March, 2007, the present petition was filed.

Petitioners admit that two (2) sheets of drawings were inadvertently omitted from the application papers filed on 7 December, 2006, but state that "[t]he present application contains a claim of incorporated (*sic*) by reference under 37 CFR 1.78 on page 1 to U.S. Provisional Application No. 60/753,909." The provisional application, aver petitioners, contains the omitted drawings.

Upon further review, it is noted that the application contains an explicit incorporation by reference of the prior-filed provisional application, as well as a claim for benefit under 37 CFR 1.78.

37 CFR 1.57 states, in pertinent part:

> (a) Subject to the conditions and requirements of this paragraph, if all or a portion of the specification or drawing(s) is inadvertently omitted from an application, but the application contains a claim under § 1.55 for priority of a prior-filed foreign application, or a claim under § 1.78 for the benefit of a prior-filed provisional, nonprovisional, or international application, that was present on the filing date of the application, and the inadvertently omitted portion of the specification or drawing(s) is completely contained in the prior-filed application, the claim under § 1.55 or § 1.78 shall also be considered an incorporation by reference of the prior-filed application as to the inadvertently omitted portion of the specification or drawing(s).
>
> (1) The application must be amended to include the inadvertently omitted portion of the specification or drawing(s) within any time period set by the Office, but in no case later than the close of prosecution as defined by § 1.114(b), or abandonment of the application, whichever occurs earlier. The applicant is also required to:
>
> (i) Supply a copy of the prior-filed application, except where the prior-filed application is an application filed under 35 U.S.C. 111;
>
> (ii) Supply an English language translation of any prior-filed application that is in a language other than English; and
>
> (iii) Identify where the inadvertently omitted portion of the specification or drawings can be found in the prior-filed application.
>
> ...
>
> (3) If an application is not otherwise entitled to a filing date under § 1.53(b), the amendment must be by way of a petition pursuant to this paragraph, accompanied by the fee set forth in § 1.17(f).

The petition lacks item (1). Petitioners have not provided an amendment to include the inadvertently omitted drawings as required by 37 CFR 1.57(a). A renewed petition, accompanied by the required amendment, including the omitted drawings, must be filed.

The petition fee has been received, and no additional fee is due.

Any request for reconsideration should be filed within **TWO (2) MONTHS** of the date of this decision in order to be considered timely. This time period may not be extended pursuant to 37 CFR 1.136.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Mail Stop Petition
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries specific to this decision should be directed to Senior Petitions Attorney Douglas I. Wood at 571.272.3231.

Charles A. Pearson
Director, Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov
DIW Oct-07

AMGEN INC.
MAIL STOP 28-2-C
ONE AMGEN CENTER DRIVE
THOUSAND OAKS CA 91320-1799

COPY MAILED
OCT 17 2007
OFFICE OF PETITIONS

In re Application of	:	
Liu et al.	:	DECISION ON PETITION
Application No. 11/636,183	:	
Filed: 7 December, 2006	:	
Atty Docket No. A-1084-US-NP	:	

This is a decision on the renewed petition under 37 CFR 1.57(a), filed on 2 August, 2007, requesting that the above-identified application be accorded a filing date of 7 December, 2006.

The petition is **GRANTED**.

On 7 December, 2006, the instant application was deposited without drawings.

Accordingly, on 8 January, 2007, the Office Patent Application Processing (OPAP) mailed a Notice of Incomplete Nonprovisional Application, stating the application had not been accorded a filing date because the application had been deposited without drawings. A two (2) month period for reply was set. The petition filed on 8 March, 2007, was dismissed on 7 June, 2007, because petitioner had not supplied an amendment including the omitted drawings.

On 2 August, 2007, the present renewed petition was filed.

Petitioners admit that two (2) sheets of drawings were inadvertently omitted from the application papers filed on 7 December, 2006, but state that "[t]he present application contains a claim of incorporated (*sic*) by reference under 37 CFR 1.78 on page 1 to U.S. Provisional Application No. 60/753,909." The provisional application, aver petitioners, contains the omitted drawings.

Upon further review, it is noted that the application contains an explicit incorporation by reference of the prior-filed provisional application, as well as a claim for benefit under 37 CFR 1.78.

The present renewed petition is accompanied by an amendment including drawings. The renewed petition states that the omitted Figures 1-5 can be found on Pages 34 and 35 of the prior-filed provisional application, to which benefit is claimed.

37 CFR 1.57 states, in pertinent part:

> (a) Subject to the conditions and requirements of this paragraph, if all or a portion of the specification or drawing(s) is inadvertently omitted from an application, but the application contains a claim under § 1.55 for priority of a prior-filed foreign application, or a claim under § 1.78 for the benefit of a prior-filed provisional, nonprovisional, or international application, that was present on the filing date of the application, and the inadvertently omitted portion of the specification or drawing(s) is completely contained in the prior-filed application, the claim under § 1.55 or § 1.78 shall also be considered an incorporation by reference of the prior-filed application as to the inadvertently omitted portion of the specification or drawing(s).
>
> (1) The application must be amended to include the inadvertently omitted portion of the specification or drawing(s) within any time period set by the Office, but in no case later than the close of prosecution as defined by § 1.114(b), or abandonment of the application, whichever occurs earlier. The applicant is also required to:
>
> (i) Supply a copy of the prior-filed application, except where the prior-filed application is an application filed under 35 U.S.C. 111;
>
> (ii) Supply an English language translation of any prior-filed application that is in a language other than English; and
>
> (iii) Identify where the inadvertently omitted portion of the specification or drawings can be found in the prior-filed application.

...

> (3) If an application is not otherwise entitled to a filing date under § 1.53(b), the amendment must be by way of a petition pursuant to this paragraph, accompanied by the fee set forth in § 1.17(f).

A review of the application as filed reveals that it included, in the first line of the specification, a claim to benefit of the prior-filed provisional Application No. 60/753,909. The petition fee was paid with the initial petition. The present renewed petition includes an amendment submitting the omitted material, and the omitted drawings.

In view thereof, the petition under § 1.57(a) is **GRANTED**. The amendment will be entered in due course.

This application is being forwarded to the Office of Patent Application Processing (OPAP) for according of a filing date of 7 December, 2006, using the application papers received in the Office on that date and the drawings submitted with the present renewed petition, and for an indication in the records of the Office that the application contains five (5) sheets of drawings (containing Figures 1-5).

The application is referred to the Office of Patent Application Processing for further processing. Applicant will receive appropriate notification regarding the fees owed, if any, and other information in due course from OPAP..

Telephone inquiries specific to this decision should be directed to Senior Petitions Attorney Douglas I. Wood at 571.272.3231.

Charles A. Pearson
Director, Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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PAUL D. YASGER
ABBOTT LABORATORIES
100 ABBOTT PARK ROAD
DEPT. 377/AP6A
ABBOTT PARK, IL 60064-6008

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AUG 14 2008

In re Application of	:	
Walter Dziki, et. al.	:	
Application No. 11/636,188	:	DECISION ON PETITION
Filed: December 8, 2006	:	
Attorney Docket No. 8051US01	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 23, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Non-Final Rejection mailed, September 11, 2007, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136 (a) were obtained. Accordingly, the application became abandoned on December 12, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Amendment After Non-Final Rejection, (2) the petition fee of $1540, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Denise Williams at (571) 272-8930.

This application is being referred to Technology Center AU 1624 for appropriate action by the Examiner in the normal course of business on the reply received.

Andrea Smith
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE, NC 28280-4000

Mail Date: 04/21/2010

Applicant	: Yoshio Takamura	: DECISION ON REQUEST FOR
Patent Number	: 7644476	: RECALCULATION of PATENT
Issue Date	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/636,190	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/08/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **399** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE, NC 28280-4000

Mail Date: 05/18/2010

Applicant : Yoshio Takamura
Patent Number : 7644476
Issue Date : 01/12/2010
Application No : 11/636,190
Filed : 12/08/2006

: NOTICE CONCERNING IMPROPER
: CALCULATION OF PATENT TERM
: ADJUSTMENT BASED UPON USPTO
: IMPROPERLY MEASURING REDUCTION
: PERIOD UNDER 37 CFR 1.704(c)(10).

The United States Patent and Trademark Office (USPTO) discovered that in processing the recent recalculation decisions mailed in response to patentee's filed Request for Recalculation of Patent Term Adjustment in view of Wyeth, the USPTO improperly measured the reduction period for reductions under 37 CFR 1.704(c)(10). Pursuant to 37 CFR 1.704(c)(10), patentee's reduction begins on the date of filing the amendment under 37 CFR 1.312 ("1.312 amendment") or other related paper and ends on the date that the Office mails a response to the filing of the 1.312 amendment or other paper. It has been discovered that during the recalculation, the calculation failed to the limit the reduction to the mail date of the response to the 1.312 amendment or other paper. Accordingly, patentee's reductions were greater than warranted.

This notice **VACATES** the previous GRANTED request for recalculation and provides patentee with a revised GRANTED recalculation.

The patent term adjustment has been determined to be **460** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of patent term adjustment (PTA) days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days** from the mail date of this notice, whichever is longer, to file a request for reconsideration of this PTA calculation. See 35 U.S.C. § 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4).

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this PTA calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2), and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this PTA calculation, including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right of review of the USPTO's PTA determination in the United States District Court for the District of Columbia, patentee must ensure that the steps required under 35 U.S.C. § 154 (b)(4) are taken in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. § 154(b)(4).

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KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

Mail Date: 04/21/2010

Applicant	: Andre Bollwerk	: DECISION ON REQUEST FOR
Patent Number	: 7629723	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/636,194	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/08/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **346** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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WOODCOCK WASHBURN LLP
(MICROSOFT CORPORATION)
CIRA CENTRE, 12TH FLOOR
2929 ARCH STREET
PHILADELPHIA, PA 19104-2891

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MAY 16 2007

OFFICE OF PETITIONS

In re Application of	:	
Yates et al.	:	
Application No. 11/636199	:	
Filing or 371(c) Date: 12/08/2006	:	DECISION
Attorney Docket Number:	:	ON PETITION
MSFT-5854/319144.01	:	

This is a decision on the "Petition to Accord Filing Date Incorrectly Entered Due to Incorrect 'Date-In' on Express Mail Label Pursuant to 37 C.F.R. § 1.10(d))", filed April 10, 2007, requesting that the above-identified application be accorded a filing date of December 8, 2006, rather than the presently accorded filing date of December 7, 2006.

Petitioner alleges that the application was deposited in Express Mail service on December 8, 2006. Petitioner has filed the appropriate documentary and corroborating evidence demonstrating that December 8, 2006, was the date the correspondence was deposited Express Mail Post Office to Addressee.

In view of the above, the petition is **granted**.

This application file will be forwarded to the Office of Initial Patent Examination for correction of the filing date to December 8, 2006, and for the mailing of a corrected filing receipt.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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Paper No.

WOODCOCK WASHBURN LLP
(MICROSOFT CORPORATION)
CIRA CENTRE, 12TH FLOOR
2929 ARCH STREET
PHILADELPHIA PA 19104-2891

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MAY 03 2007
OFFICE OF PETITIONS

In re Application of	:	
Yates et al.	:	
Application No. 11/636,219	:	DECISION ON PETITION
Filed: December 8, 2006	:	
Attorney Docket No. MSFT-5855/	:	
319145.01	:	

This is a decision on the "PETITION TO ACCORD FILING DATE INCORRECTLY ENTERED DUE TO INCORRECT "DATE IN" ON EXPRESS MAIL LABEL PURSUANT TO 37 CFR §1.10(d)," filed April 9, 2007. Petitioners request that the above-identified application be accorded a filing date of December 8, 2006, rather than the presently accorded filing date of December 7, 2006.

Petitioner maintains that on December 8, 2006, the application was deposited with the U.S. Postal Service (USPS) in accordance with § 1.10(a). In support thereof, applicants submit copies of the following documents:

- a true copy of the first page of the Application Transmittal to show both the date on which the correspondence was mailed as Express Mail Label No. EV800286027US, and that the number of the Express Mail was placed thereon prior to mailing;
- a true copy of the "Track & Confirm" receipt for the Express Mail mailing from the United States Postal Service; and
- a true copy of the Express Mail mailing label used.

Paragraph (a) of 37 CFR 1.10 states that:

> Any correspondence received by the U.S. Patent and Trademark Office (USPTO) that was delivered by the "Express Mail Post Office to Addressee" service of the United States Postal Service (USPS) will be considered filed with the USPTO on the date of deposit with the USPS.
>
> (1) Any correspondence received by the Patent and Trademark Office (Office) that was delivered by the "Express Mail Post Office to Addressee" service of the United States Postal Service (USPS) will be considered filed in the Office on the date of deposit with the USPS.
>
> (2) The date of deposit with USPS is shown by the "date in" on the "Express Mail" label or other official USPS notation. If the USPS deposit date cannot be determined, the correspondence will be accorded the USPTO receipt date as the filing date. See § 1.6(a).

Paragraph (d) of 37 CFR 1.10 states that:

> Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that the "date-in" on the "Express Mail" mailing label or other official notation entered by the USPS was incorrectly entered or omitted by the USPS, may petition the Director to accord the correspondence a filing date as of the date the correspondence is shown to have been deposited with the USPS, provided that:
>
> (1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date based upon an incorrect entry by the USPS;
> (2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail"; and
> (3) The petition includes a showing which establishes, to the satisfaction of the Director, that the requested filing date was the date the correspondence was deposited in the "Express Mail Post Office to Addressee" service prior to

> the last scheduled pickup for that day. Any showing pursuant to this paragraph must be corroborated by evidence from the USPS or that came into being after deposit and within one business day of the deposit of the correspondence in the "Express Mail Post Office to Addressee" service of the USPS.

The instant petition was filed promptly within the meaning of § 1.10(d)(1). The application transmittal submitted on petition is a true copy of the transmittal of record. A review of the transmittals confirms that the "Express Mail" mailing label No. EV800286027US was placed on the application transmittal identifying the papers originally accorded a filing date of December 7, 2006, prior to the original mailing.

Further, the petition includes a copy of the "Express Mail Post Office to Addressee" mailing label. The handwritten date-in on the label appears to indicate December 7, 2006. However, the label also bears an Official USPS date stamp of December 8, 2006. The date-stamped date is more persuasive of the true date-in than the handwritten date. Furthermore, the Track & Confirm record for this "Express Mail" package confirms that the USPS considered the package accepted at 12:04 pm, Seattle, WA 98158 on December 8, 2006 and enroute at 5:03 pm, Seattle, WA 98158 on December 8, 2006. The evidence has been considered and found persuasive that the USPS incorrectly entered the handwritten date-in, and that the application was deposited in the Express Mail post office to addressee service of the USPS prior to the last scheduled pickup on December 8, 2006.

In view thereof, the petition is **GRANTED**.

No petition fee is required. The $130 petition fee submitted has been refunded to Deposit Account No. 23-3050, as authorized.

The Office of Initial Patent Examination (OIPE) has been advised of this decision. The application is, thereby, forwarded to OIPE for **correction of the filing date to December 8, 2006** and **issuance of a corrected filing receipt**.

Telephone inquires related to this decision may be directed to the undersigned at (571) 272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
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Arnold & Knoblich, LLP
2401 Fountain View Drive
Suite 630
Houston, TX 77057

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JUN 0 9 2008

In re Application of	:	
John Nash	:	
Application No. 11/636,236	:	DECISION ON PETITION
Filed: December 7, 2006	:	TO WITHDRAW
Attorney Docket No. N31437US	:	FROM RECORD
	:	

This is a decision on the request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed April 29, 2008.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Charles S. Knoblich on behalf of all attorney/agents associated with customer number 28805. All attorney/agents associated with customer number 28805 have been withdrawn.

The request to change the correspondence address has been changed and is copied below.

Applicant is reminded that there is no attorney of record at this time.

Telephone inquires concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: John Nash
7023 Brown Bark
Magnolia, TX 77354-6843

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/636,236	12/07/2006	John Nash	N31437US

CONFIRMATION NO. 8324

POWER OF ATTORNEY NOTICE

28805
ARNOLD & KNOBLOCH, L.L.P.
2401 FOUNTAIN VIEW DRIVE
SUITE 630
HOUSTON, TX 77057

OC000000030365278

Date Mailed: 06/09/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/29/2008.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/kainabinet/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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KLARQUIST SPARKMAN, LLP
121 SW SALMON STREET
SUITE 1600
PORTLAND OR 97204

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JUN 04 2007

OFFICE OF PETITIONS

In re Application of	:	
Carrel W. Ewing et al.	:	
Application No. 11/636,262	:	DECISION ON PETITION
Filed: December 7, 2006	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 7273-74817-01	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed December 7, 2006, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement from the applicant, Carrel W. Ewing declaring that he is 65 years of age or older. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Terri Williams at 571-272-2991.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 2836 for action on the merits commensurate with this decision.

Terri Williams

Terri Williams
Petitions Examiner
Office of Petitions

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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OFFICE OF PETITIONS

LAW OFFICE OF PETER G. KORYTNYK, PLLC
213 S. PAYNE STREET
ALEXANDRIA, VA 22314

In re Application of	:	
Antonio CONTINAS	:	
Application No. 11/636,266	:	DECISION ON PETITION
Filed: December 7, 2006	:	
Attorney Docket No. CORT-301-06	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 21, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, August 25, 2008, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on November 26, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $810; and (3) a proper statement of unintentional delay.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

The Power of Attorney filed August 21, 2009, is acknowledged and has been accepted.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

This application is being referred to Technology Center AU 3728 for appropriate action by the Examiner in the normal course of business on the reply received August 21, 2009.

/Diane C. Goodwyn/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

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MAR 24 2008

OFFICE OF PETITIONS

PATENT LAW & VENTURE GROUP
2424 S.E. BRISTOL, SUITE 300
NEWPORT BEACH, CA 92660

In re Application of	:	
NEEL, Gerald A.	:	
Application No. 11/636,296	:	DECISION ON PETITION
Filed: December 08, 2006	:	TO WITHDRAW
Attorney Docket No. **Neel.G-01US**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 03, 2008.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Gene Scott on behalf of all attorneys of record who are associated with customer No. 22197. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor Joe Smith at the address indicated below.

There is an outstanding Office action mailed March 17, 2008 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **GERALD A. NEEL**
2055 S. JUNE PLACE
ANAHEIM, CA 92802

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OFFICE OF PETITIONS

Fox Rothschild, LLP
Princeton Pike Corporate Center
2000 Market Street
Tenth Floor
Philadelphia, PA 19103

In re Application of	:	
Stephen J. Davis et al.	:	
Application No. 11/636,314	:	DECISION ON PETITION
Filed: December 8, 2006	:	
Attorney Docket No. 71808.00032	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 27, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to file a proper reply in a timely manner to the non-final Office action mailed December 10, 2008, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on March 11, 2009. A Notice of Abandonment was mailed on July 8, 2009

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment after non-final, (2) the petition fee of $810, and (3) a proper statement of unintentional delay. Accordingly, the amendment is accepted as being unintentionally delayed.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due

date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

This application is being referred to Technology Center AU 3611 for appropriate action by the Examiner in the normal course of business on the reply received July 27, 2009.

Carl Friedman
Petitions Examiner
Office of Petitions

cc: Robert B. Smith
Abelman, Frayne & Schwab
666 Third Avenue
New York, NY 10017

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HAYWORTH, CHANEY & THOMAS, P.A.
202 N. HARBOR CITY BLVD.
SUITE 300
MELBOURNE FL 32935

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NOV 0 3 2008

OFFICE OF PETITIONS

In re Application of

CURTIN, Lawrence
Application No. 11/636,324
Filed: December 08, 2006
Attorney Docket No. **06-3795**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 17, 2008.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Stephen Thomas, the sole attorney of record. Stephen Thomas has been withdrawn as attorney or agent of record. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor Lawrence Curtin at the address indicated below.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **LAWRENCE CURTIN**
P.O. BOX 13771
FT. PIERCE FL 34979

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PERKINS COIE LLP
PATENT-SEA
P.O. BOX 1247
SEATTLE, WA 98111-1247

Mail Date: 04/20/2010

Applicant	: Zhengwei Zhang	: DECISION ON REQUEST FOR
Patent Number	: 7598710	: RECALCULATION of PATENT
Issue Date	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/636,337	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/08/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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MAYBACK & HOFFMAN, P.A.
5722 S. FLAMINGO ROAD #232
FORT LAUDERDALE, FL 33330

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AUG 21 2007

OFFICE OF PETITIONS

In re Application of	:	
Sixto et al.	:	DECISION REFUSING STATUS
Application No. 11/636,341	:	UNDER 37 CFR 1.47(a)
Filed: 12/07/2006	:	
Attorney Docket No. Clip Applier A Div 1	:	

This is in response to the petition under 37 CFR 1.47(b), filed February 28, 2007, which is properly treated as a petition under 37 CFR 1.47(a). The petition was recently forwarded to the Office of Petitions for a decision on the merits. The Office sincerely apologizes for any inconvenience.

The petition is **dismissed**.

Applicants are given TWO (2) MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. Failure to respond will result in abandonment of the application. Any extensions of time will be governed by 37 CFR 1.136(a).

On February 28, 2007, applicants submitted the present petition, a declaration executed by three of the five joint inventors, and a $130.00 petition fee.[1] Applicants asserted that the non-signing inventors constructively refused to join in the filing of the application.[2] Specifically, in the Declaration of Facts, Serene E. Keen, an Intellectual Property Paralegal, stated that she emailed each of the non-signing inventors a copy of the specification, claims, drawings, and an unsigned declaration at what was understood to be their respective email addresses. Furthermore, Ms. Keen indicated that she

[1] The current fee for filing a petition under 37 CFR 1.47(a) is $200.00. Accordingly, the Office will charge the Deposit Account in the amount of $30.00, as authorized.

[2] Applicants asserted that they attempted to obtain the signatures of the non-signing inventors with respect to the "parent application, Serial No. 11/321,684." Applicants stated the non-signing inventors expressly refused to join in that application. Applicants indicated that a "Petition under 37 CFR 1.47(b) in the parent application was submitted and granted." However, the Office notes that it does not appear that applicants submitted a timely and proper claim under 35 U.S.C. § 120 in Application No. 11/636,341 for the benefit of priority to Application No. 11/321,684.

telephoned each of the non-signing inventors at what was understood to be their respective telephone phone numbers and left a message on their voicemails. She asserted that neither inventor responded to the email or telephone call.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor. Applicants lacks item (1).

As to item (1), applicants have not provided sufficient proof that the non-signing inventors were sent or presented with a complete copy of the application as filed (specification, including the claims, drawings, if any, and the declaration). See MPEP 409.03(d).

Applicants stated that a copy of the application papers and a declaration were sent via email to the non-signing inventors, followed by a telephone call. However, applicants have not submitted sufficient proof that the non-signing inventors received the email messages containing the application papers. Moreover, applicants did not provide any evidence that the email addresses were current email addresses, which were monitored regularly by the non-signing inventors, or that the telephone numbers were current.

Accordingly, in any renewed petition, applicants must show that the non-signing inventors were presented with the application papers (specification, including the claims, drawings, if any, and the declaration) for the present application. In this case, as the applicants are aware of the non-signing inventors' last known addresses, it is suggested that applicants mail copies of the application papers, return receipt requested, to those addresses.

Applicants may show that a copy of the application was mailed or presented to the non-signing inventors for review by providing a copy of the cover letter transmitting the application papers (specification, including claims, drawings, if any, and the declaration) to the non-signing inventors or details given in an affidavit or declaration of facts by a person having first-hand knowledge of the events.[3] Applicants must show that they made a bona fide attempt to mail copies of the application papers to the non-signing inventors at what is believed to be their most current addresses. If the non-signing inventors refuse to accept delivery of the papers or their conduct constitutes a refusal to join in the application, applicants will have provided proof of refusal to sign the declaration.

[3] If the non-signing inventor refuses to execute the declaration in writing, applicants must submit a copy of that written refusal with any renewed petition. Likewise, if the non-signing inventor makes an oral refusal to a person, then that individual must provide details of the refusal in an affidavit or declaration of fact.

However, if the application papers are returned as undeliverable, applicants should submit a copy of the envelope, showing that the copy of the application papers sent to the last known address of the non-signing inventor was returned as undeliverable. If further attempts to obtain a forwarding address or to locate non-signing inventors by other means such as through an Internet search fail, then applicants will have provided the necessary proof that the inventors cannot be reached after diligent effort.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 272-8300
Attn: Office of Petitions

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3211.

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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United States Patent and Trademark Office
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FORT LAUDERDALE, FL 33330

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OCT 2 5 2007

OFFICE OF PETITIONS

In re Application of Sixto, McBrayer, Kortenbach, Slater, and Smith Application No. 11/636,341 Filed: 12/07/2006 Attorney Docket No. Clip Applier A Div 1 Title: METHODS FOR THE ENDOLUMINAL TREATMENT OF GASTROESOPHAGEAL REFLUX DISEASE (GERD)	DECISION ACCORDING STATUS UNDER 37 CFR 1.47(a)

This is in response to the renewed petition under 37 CFR 1.47(a), filed October 18, 2007.

The renewed petition is **GRANTED**.

Petitioners showed that the non-signing inventors refused to join in the filing of the above-identified application after having been present with copies of the application papers.

The application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventors at the addresses given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This application is being referred to Technology Center AU 3773 for examination in due course.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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Juergen Kortenbach
122 Pinecrest Drive
Miami, FL 33166

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OCT 2 5 2007

OFFICE OF PETITIONS

In re Application of
Sixto, McBrayer, Kortenbach, Slater, and Smith
Application No. 11/636,341
Filed: 12/07/2006
Attorney Docket No. Clip Applier A Div 1
Title: METHODS FOR THE ENDOLUMINAL TREATMENT OF GASTROESOPHAGEAL REFLUX DISEASE (GERD)

LETTER

Dear Mr. Kortenbach:

You are named as a joint inventor in the above-identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or (800) 972-6382 (outside the Washington, DC area).

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

Cc: MAYBACK & HOFFMAN, P.A.
5722 S. FLAMINGO ROAD #232
FORT LAUDERDALE, FL 33330

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Robert Sixto, Jr.
8235 S.W. 99 Street
Miami FL 33156

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OCT 25 2007
OFFICE OF PETITIONS

In re Application of
Sixto, McBrayer, Kortenbach, Slater, and Smith
Application No. 11/636,341
Filed: 12/07/2006
Attorney Docket No. Clip Applier A Div 1
Title: METHODS FOR THE ENDOLUMINAL TREATMENT OF GASTROESOPHAGEAL REFLUX DISEASE (GERD)

LETTER

Dear Mr. Sixto:

You are named as a joint inventor in the above-identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or (800) 972-6382 (outside the Washington, DC area).

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

Cc: MAYBACK & HOFFMAN, P.A.
5722 S. FLAMINGO ROAD #232
FORT LAUDERDALE, FL 33330

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KING & SPALDING LLP
1180 PEACHTREE STREET
ATLANTA GA 30309-3521

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SEP 30 2008

OFFICE OF PETITIONS

Applicant: Hembrough et al.
Appl. No.: 11/636,353
Filing Date: December 8, 2006
Title: Compositions and Methods for Inhibiting Cellular Proliferation
Attorney Docket: 05213-3291 (13663.105128)
Pub. No.: US 2007/020366 A1
Pub. Date: August 30, 2007

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on September 14, 2007, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains several errors.

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed **within two months** from the date of the patent application publication. **This period is not extendable**." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. [1]

The request is moot as the application was republished on April 17, 2008.

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.

Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

[1] Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

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THE WEBB LAW FIRM, P.C.
700 KOPPERS BUILDING
436 SEVENTH AVENUE
PITTSBURGH, PA 15219

Mail Date: 04/21/2010

Applicant	: Binio Binev	: DECISION ON REQUEST FOR
Patent Number	: 7617905	: RECALCULATION of PATENT
Issue Date	: 11/17/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/636,375	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/08/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **382** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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WILSON SONSINI GOODRICH & ROSATI
650 PAGE MILL ROAD
PALO ALTO CA 94304-1050

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OFFICE OF PETITIONS

In re Application of	:	
Trinklein et al.	:	DECISION ON PETITION
Application No. 11/636,385	:	TO WITHDRAW
Filed: December 7, 2006	:	FROM RECORD
Attorney Docket No. 33102-701.201	:	

This is a decision on the request to withdraw as attorney of record under 37 C.F.R. § 1.36, filed June 19, 2009.

The request is **NOT APPROVED**.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71,* or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

> *An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.*

A review of USPTO records does not list SwitchGear Genomics, The Quine Intellectual Property Law Group, P.C. as the current assignee of the above-identified application. As such, the Office cannot change the correspondence address to the address on the Request to Withdraw.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Currently, there is no outstanding Office action that requires a reply.

Telephone inquires concerning this decision should be directed to Joan Olszewski at 571-272-7751.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

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GRAYBEAL JACKSON LLP
400 - 108TH AVENUE NE
SUITE 700
BELLEVUE, WA 98004

Mail Date: 04/21/2010

Applicant	: Jeffrey Maurice Hinman	: DECISION ON REQUEST FOR
Patent Number	: 7635328	: RECALCULATION of PATENT
Issue Date	: 12/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/636,396	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/08/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **463** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

GRAYBEAL JACKSON LLP
400 - 108TH AVENUE NE
SUITE 700
BELLEVUE, WA 98004

Mail Date: 05/18/2010

Applicant : Jeffrey Maurice Hinman
Patent Number : 7635328
Issue Date : 12/22/2009
Application No : 11/636,396
Filed : 12/08/2006

: NOTICE CONCERNING IMPROPER
: CALCULATION OF PATENT TERM
: ADJUSTMENT BASED UPON USPTO
: IMPROPERLY MEASURING REDUCTION
: PERIOD UNDER 37 CFR 1.704(c)(10).

The United States Patent and Trademark Office (USPTO) discovered that in processing the recent recalculation decisions mailed in response to patentee's filed Request for Recalculation of Patent Term Adjustment in view of Wyeth, the USPTO improperly measured the reduction period for reductions under 37 CFR 1.704(c)(10). Pursuant to 37 CFR 1.704(c)(10), patentee's reduction begins on the date of filing the amendment under 37 CFR 1.312 ("1.312 amendment") or other related paper and ends on the date that the Office mails a response to the filing of the 1.312 amendment or other paper. It has been discovered that during the recalculation, the calculation failed to the limit the reduction to the mail date of the response to the 1.312 amendment or other paper. Accordingly, patentee's reductions were greater than warranted.

This notice **VACATES** the previous GRANTED request for recalculation and provides patentee with a revised GRANTED recalculation.

The patent term adjustment has been determined to be **498** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of patent term adjustment (PTA) days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days** from the mail date of this notice, whichever is longer, to file a request for reconsideration of this PTA calculation. See 35 U.S.C. § 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4).

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this PTA calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2), and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this PTA calculation, including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right of review of the USPTO's PTA determination in the United States District Court for the District of Columbia, patentee must ensure that the steps required under 35 U.S.C. § 154 (b)(4) are taken in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. § 154(b)(4).

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BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, IL 60610

MAILED

MAY 28 2010

OFFICE OF PETITIONS

In re Application of	:	
Jan Hansen	:	
Application No. 11/636,410	:	DECISION ON PETITION
Filed: December 8, 2006	:	TO WITHDRAW
Attorney Docket No. 12397/128	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 1, 2010.

The request is **APPROVED**.

The request was signed by Joseph F. Hetz on behalf of the practitioners of record associated with Customer Number 00757.

Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to inventor Jan Hansen at the address indicated below.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Jan Hansen
Importgatan 2E
Hisings Backa 42246
Sweden

cc: Joseph F. Hetz
455 N. Cityfront Plaza Dr.
NBC Tower Suite 3600
Chicago, IL 60611

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/636,410	12/08/2006	Jan Hansen	12397/128

CONFIRMATION NO. 6924

POWER OF ATTORNEY NOTICE

757
BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, IL 60610

OC000000041788902

Date Mailed: 05/28/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/01/2010.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/idingle/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/636,410	12/08/2006	Jan Hansen	12397/128

CONFIRMATION NO. 6924

POA ACCEPTANCE LETTER

Jan Hansen
Importgatan 2E
Hisings Backa, 42246
SWEDEN

OC000000041789031

Date Mailed: 05/28/2010

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/01/2010.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/idingle/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

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YOUNG & THOMPSON
209 Madison Street
Suite 500
Alexandria, VA 22314

Mail Date: 07/30/2010

Applicant	: Gaetan Spude	: DECISION ON REQUEST FOR
Patent Number	: 7654801	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/636,442	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/11/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **503** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/636,478	12/11/2006	Yo-da Shin	52651	8668

7590 02/23/2009
ROYLANCE, ABRAMS, BERDO & GOODMAN, L.L.P.
1300 19TH STREET, N.W.
SUITE 600
WASHINGTON,, DC 20036

EXAMINER
RODEE, CHRISTOPHER D

ART UNIT	PAPER NUMBER
1795	

MAIL DATE	DELIVERY MODE
02/23/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Betty Powell

Patent Publication Branch
Office of Data Management

Adjustment date: 02/23/2009 BPOWELL
12/12/2006 SSITHIB1 00000042 11636478
03 FC:1111 -500.00 OP

Repln. Ref: 02/23/2009 BPOWELL 0014480300
DA#:182220 Name/Number:11588290
FC: 9204 $700.00 CR

FORM PET651G (Rev. 08/07)

Repln. Ref: 02/23/2009 BPOWELL 0014495800
DA#:182220 Name/Number:11636478
FC: 9204 $500.00 CR

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/636,479	12/11/2006	Seung-Je Joh	52690	8667

7590 02/25/2009
ROYLANCE, ABRAMS, BERDO & GOODMAN, L.L.P.
1300 19TH STREET, N.W.
SUITE 600
WASHINGTON,, DC 20036

EXAMINER
WHIPKEY, JASON T

ART UNIT	PAPER NUMBER
2622	

MAIL DATE	DELIVERY MODE
02/25/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

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Adjustment date: 02/26/2009  BPOWELL
12/12/2006 SSITHIB1 00000041 11636479
02 FC:1111                    -500.00 OP
04 FC:1201                    -200.00 OP
05 FC:1202                    -100.00 OP
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Repln. Ref: 02/26/2009 BPOWELL  0015172200
DA#:182220   Name/Number:11654609
FC: 9204                      $1100.00 CR
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FORM PET651G (Rev. 08/07)

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BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA, VA 22314-1176

Mail Date: 06/03/2010

Applicant	: Fabiola Andrade Zvirblis	: DECISION ON REQUEST FOR
Patent Number	: 7624776	: RECALCULATION of PATENT
Issue Date	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/636,490	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/11/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **379** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/636,493	12/11/2006	Hiroshi Kanno	043887-0207	8228

20277 7590 02/01/2008
MCDERMOTT WILL & EMERY LLP
600 13TH STREET, N.W.
WASHINGTON, DC 20005-3096

EXAMINER
HAM, SEUNGSOOK

ART UNIT	PAPER NUMBER
2817	

MAIL DATE	DELIVERY MODE
02/01/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

McDERMOTT, WILL & EMERY, LLP
600 13th Street, N.W.
Washington, D.C. 20005-3096

FEB - 1 2008

In re Application of	:	**DECISION ON REQUEST TO**
Hiroshi KANNO *et. al.*	:	**PARTICIPATE IN PATENT**
Application No. 11/636493	:	**PROSECUTION HIGHWAY**
Filed: December 11, 2006	:	**PILOT PROGRAM AND PETITION**
Attorney Docket No.043887-0207	:	**TO MAKE SPECIAL UNDER**
For: RESONATOR	:	**37 CFR 1.102(d)**

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) pilot program and the petition under 37 CFR 1.102(d), filed December 10, 2007, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH pilot program and petition to make special require:

(1) The U.S. application to validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, or a national stage application under PCT which validly claims priority under 35 U.S.C. 119(a)/365(b) to one or more applications filed in the JPO;
(2) A copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof, and a statement that the English translation is accurate;
(3) All the claims in the U.S. application to sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) A copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof, and a statement that the English translation is accurate;
(6) An IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH pilot program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Christine Oda at 571-272-1602.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at http://www.uspto.gov/ebc/index.html.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

/C. Oda/
Christine Oda
TQAS
Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

Best Available Copy

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/636,527	12/11/2006	Takahiro Suzuki	130499	8840

7590 04/22/2009

OLIFF & BERRIDGE, PLC
P.O. BOX 320850
ALEXANDRIA, VA 22320-4850

EXAMINER

ART UNIT	PAPER NUMBER
1795	

MAIL DATE	DELIVERY MODE
04/22/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Nimi Farmer

Patent Publication Branch
Office of Data Management

Refund Ref:
04/22/2009 NFARMER 0000166950

CHECK Refund Total: $1800.00

Adjustment date: 04/22/2009 NFARMER
12/12/2006 WABDELR1 00000014 11636527
02 FC:1111 -500.00 OP
04 FC:1202 -1300.00 OP

FORM PET651G (Rev. 08/07)

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Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
www.uspto.gov

MARTIN D. MOYNIHAN
PRTSI, INC.
P.O. BOX 16446
ARLINGTON VA 22215

OCT 19 2007

In re Application of	:
Abraham Nudelman et al	:
Serial No.: 11/636,594	: PETITION DECISION
Filed: December 11, 2006	:
Attorney Docket No.: 32880	:

This is a decision on the PETITION FOR ACCEPTANCE OF COLOR DRAWINGS UNDER 37 CFR 1.84(a)(2). The petition was filed February 22, 2007. Entry of color drawings requires: 1) three sets of the color drawings, 2) a proper amendment to the specification indicating color photographs or drawings are present in the file, and 3) the required fee under 37 CFR 1.17(h).

A review of the application record indicates that the petition meets all of the requirements for acceptance of color drawings. This is not to be construed that all of the drawings are accepted, only that the color drawings are acceptable.

The petition is **GRANTED**.

Should there be any questions with respect to this decision, please contact William R. Dixon, Jr., by mail addressed to: Director, Technology Center 1600, at the address listed above, or by telephone at 571-272-0519 or by facsimile transmission at 571-273-8300.

William R. Dixon, Jr.
Special Program Examiner
Technology Center 1600

UNITED STATES PATENT AND TRADEMARK OFFICE

APR - 5 2007

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MARTIN D. MOYNIHAN
PRTSI, INC.
P.O. BOX 16446
ARLINGTON VA 22215

In re Application of	:
Avraham Nudelman et al	:
Serial No.: 11/636,599	: PETITION DECISION
Filed: December 11, 2006	:
Attorney Docket No.: 32879	:

This is a decision on the PETITION FOR ACCEPTANCE OF COLOR DRAWINGS UNDER 37 CFR 1.84(a)(2). The petition was filed March 16, 2007. Entry of color drawings requires: 1) three sets of the color drawings, 2) a proper amendment to the specification indicating color photographs or drawings are present in the file, and 3) the required fee under 37 CFR 1.17(h).

A review of the application record indicates that the petition meets all of the requirements for acceptance of color drawings. This is not to be construed that all of the drawings are accepted, only that the color drawings are acceptable.

The petition is **GRANTED**.

Should there be any questions with respect to this decision, please contact William R. Dixon, Jr., by mail addressed to: Director, Technology Center 1600, at the address listed above, or by telephone at 571-272-0519 or by facsimile transmission at 571-273-8300.

William R. Dixon, Jr.
Special Program Examiner
Technology Center 1600

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P.O. Box 1450
Alexandria, VA 22313-1450
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DAVIDSON BERQUIST JACKSON & GOWDEY LLP
4300 WILSON BLVD.
7TH FLOOR
ARLINGTON, VA 22203

MAILED

JUN 16 2010

OFFICE OF PETITIONS

In re Application of
Chiu-Ping Chen, et al.
Application No. 11/636,617
Filed: December 11, 2006
Attorney Docket No. 2561-0053

DECISION ON PETITION

This is a decision on the petition, filed April 8, 2010, which is being treated as a petition under 37 CFR 1.8(b), requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to timely pay the issue and publication fees on or before March 14, 2010, as required by the Notice of Allowance and Fee(s) Due (Notice), mailed December 14, 2009.

Petitioner states that a timely reply was mailed via certificate of transmission on January 4, 2010, which included the following papers: issue fee transmittal with authorization to charge fee by deposit account. Petitioner has submitted a copy of the previously mailed correspondence, which bears a certificate of transmission dated January 4, 2010, which would have rendered the reply timely if received.

The file record does not include the originally submitted papers. Failure to receive correspondence which includes a certificate of mailing or certificate of facsimile transmission is addressed in 37 CFR 1.8(b), reproduced below:

> In the event that correspondence is considered timely filed by being mailed or transmitted in accordance with paragraph (a) of this section, but not received in the U.S. Patent and Trademark Office after a reasonable amount of time has elapsed from the time of mailing or transmitting of the correspondence, or after the application is held to be abandoned, or after the proceeding is dismissed, terminated, or decided with prejudice, the correspondence will be considered timely if the party who forwarded such correspondence:

(1) Informs the Office of the previous mailing or transmission of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence;

(2) Supplies an additional copy of the previously mailed or transmitted correspondence and certificate; and

(3) Includes a statement which attests on a personal knowledge basis or to the satisfaction of the Director to the previous timely mailing or transmission. If the correspondence was sent by facsimile transmission, a copy of the sending unit's report confirming transmission may be used to support this statement.

The petition satisfies the above requirements of 37 CFR 1.8(b). Accordingly, the holding of abandonment for failure to timely file a reply to the Notice of Allowance and Issue Fee(s) Due of December 14, 2009 is hereby **withdrawn** and the application **restored to pending status**.

The copy of the reply received with the petition will be accepted in place of the reply shown to have been transmitted by facsimile on January 4, 2010.

Telephone inquiries concerning this decision should be directed to April M. Wise at 571-272-1642. All other inquiries concerning this application should be directed to the Office of Data Management at their hotline.

This application is being referred to the Office of Data Management for processing into a patent

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 2-2/09

TO SPE OF : ART UNIT 2187

SUBJECT : Request for Certificate of Correction for Appl. No.: 11636629 Patent No.: 7350023

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
South Tower - 9A22
Palm Location 7580

Valerie Jackson
Certificates of Correction Branch
703-308-9390 ext. 114

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- ☑ **Approved** — **All** changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments: _____

/Kevin L Ellis/ — **SPE**

2187 — **Art Unit**

UNITED STATES PATENT AND TRADEMARK OFFICE

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Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/636,632	12/11/2006	Jae-hyeok Jang	52692	8663

7590 01/30/2009
ROYLANCE, ABRAMS, BERDO & GOODMAN, L.L.P.
1300 19TH STREET, N.W.
SUITE 600
WASHINGTON,, DC 20036

EXAMINER
WALSH, RYAN D

ART UNIT	PAPER NUMBER
2852	

MAIL DATE	DELIVERY MODE
01/30/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Nioni Farmer

Patent Publication Branch
Office of Data Management

Refund Ref:
02/04/2009 NFARMER 0000166006

CHECK Refund Total: $800.00

Adjustment date: 02/04/2009 NFARMER
12/12/2006 ZJUHAR1 00000029 11636632
02 FC:1111 -500.00 OP
04 FC:1201 -200.00 OP
05 FC:1202 -100.00 OP

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Studebaker & Brackett PC
One Fountain Square
11911 Freedom Drive, Suite 750
Reston, VA 20190

Mail Date: 04/21/2010

Applicant	: Masanori Kodaira	: DECISION ON REQUEST FOR
Patent Number	: 7641256	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/636,664	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/11/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **416** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/636,669	12/11/2006	Duk-Young Yoon	P57957	8607

7590 03/13/2009
ROBERT E. BUSHNELL & LAW FIRM
2029 K STREET NW
SUITE 600
WASHINGTON, DC 20006-1004

EXAMINER
KUNTZ, CURTIS A

ART UNIT	PAPER NUMBER
2614	

MAIL DATE	DELIVERY MODE
03/13/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Nimi Farmer

Patent Publication Branch
Office of Data Management

Refund Ref:
03/16/2009 NFARMER 0000166505

CHECK Refund Total: $500.00

Adjustment date: 03/16/2009 NFARMER
12/12/2006 MGEBREMI 00000066 11636669
02 FC:1111 -500.00 OP

FORM PET651G (Rev. 08/07)

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Handley Law Firm, PLLC
Roger N. Chauza, PC
PO BOX 140036
IRVING TX 75014

MAILED

MAR 30 2009

OFFICE OF PETITIONS

In re Application of
Stilley
Application No. 11/636, 732
Filed: December 11, 2006
Attorney Docket No. STIL-0301US

DECISION ON PETITION
UNDER 37 CFR 1.137(b)

This is a decision on the petition, filed February 27, 2009 (certificate of mailing date February 24, 2009), which is being treated as a petition under 37 CFR 1.137(b) to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. *See* 37 CFR 1.137(f).

The petition is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of an application filed in an eighteen-month publication country on December 12, 2006. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in an eighteen-month publication country.

In view of the above, this application became abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country or under a multilateral international agreement that requires publication of applications 18 months after filing.

A petition to revive an application abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to notify the USPTO of a foreign filing must be accompanied by:

(1) the required reply which is met by the notification of such filing in a foreign country or under a multinational treaty;
(2) the petition fee as set forth in 37 CFR 1.17(m); and
(3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

The instant petition has been found to be in compliance with 37 CFR 1.137(b). Accordingly, the failure to timely notify the USPTO of a foreign or international filing within 45 days after the date of filing of

such foreign or international application as provided by 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

The previous Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded. A Communication Regarding Rescission of Nonpublication Request and/or Notice of Foreign Filing which sets forth the projected publication date of July 2, 2009 accompanies this decision on petition.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3230.

This application is being referred to Technology Center Art Unit 3754 to await reply to the Restriction Requirement mailed on February 13, 2009.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

ATTACHMENT: Communication Regarding Rescission of Nonpublication Request and/or Notice of Foreign Filing

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/636,732	12/11/2006	Russell L. Stilley	STIL-0301US

CONFIRMATION NO. 8955

31782
Handley Law Firm, PLLC
Roger N. Chauza, PC
PO BOX 140036
IRVING, TX 75014

NONPUBLICATION RESCISSION LETTER

OC000000035141694

Date Mailed: 03/24/2009

Communication Regarding Rescission Of Nonpublication Request and/or Notice of Foreign Filing

Applicant's rescission of the previously-filed nonpublication request and/or notice of foreign filing is acknowledged. The paper has been reflected in the Patent and Trademark Office's (USPTO's) computer records so that the earliest possible projected publication date can be assigned.

The projected publication date is 07/02/2009.

If applicant rescinded the nonpublication request before or on the date of "foreign filing,"[1] then no notice of foreign filing is required.

If applicant foreign filed the application after filing the above application and before filing the rescission, and the rescission did not also include a notice of foreign filing, then a notice of foreign filing (not merely a rescission) is required to be filed within 45 days of the date of foreign filing. See 35 U.S.C. § 122(b)(2)(B)(iii), and Clarification of the United States Patent and Trademark Office's Interpretation of the Provisions of 35 U.S.C. § 122(b)(2)(B)(ii)-(iv), 1272 Off. Gaz. Pat. Office 22 (July 1, 2003).

If a notice of foreign filing is required and is not filed within 45 days of the date of foreign filing, then the application becomes abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii). In this situation, applicant should either file a petition to revive or notify the Office that the application is abandoned. See 37 CFR 1.137(f). Any such petition to revive will be forwarded to the Office of Petitions for a decision. Note that the filing of the petition will not operate to stay any period of reply that may be running against the application.

Questions regarding petitions to revive should be directed to the Office of Petitions at (571) 272-3282.

[1] Note, for purpose of this notice, that "foreign filing" means "filing an application directed to the same invention in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing".

/swbrantley/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/636,743	12/11/2006	John R. Peery	ALD 042.11	8964

7590 04/28/2009
Intarcia Therapeutics, Inc.
ATTN: Barbara G. McClung
24650 Industrial Blvd
Hayward, CA 94545

EXAMINER
TRAN, SUSAN T

ART UNIT	PAPER NUMBER
1615	

MAIL DATE	DELIVERY MODE
04/28/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

Adjustment date: 04/29/2009 RPOWELL
12/13/2006 HGUTEMA1 00000012 11636743
02 FC:1111 -500.00 OP

FORM PET651G (Rev. 08/07)

Kepln. Ref: 04/29/2009 BPOWELL 0013560400
DA#:504212 Name/Number:11636743
FC: 9204 $500.00 CR

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MHKKG/Oracle (Sun)
P.O. BOX 398
AUSTIN, TX 78767

MAILED

JUN 18 2010

OFFICE OF PETITIONS

In re Application of	:	
Ishwardutt PARULKAR, et *al.*	:	
Application No. 11/636,748	:	DECISION ON PETITION
Filed: December 11, 2006	:	UNDER 37 CFR 1.181
Attorney Docket No. **6000-26200**	:	

This is a decision on the petition, filed October 6, 2009, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to reply to the nonfinal Office action mailed March 24, 2009, which set a three (3) month shortened statutory period for reply. A Notice of Abandonment was mailed on October 13, 2009.

Petitioner asserts that the Office action dated March 24, 2009 was not received.

A review of the written record indicates no irregularity in the mailing of the Office action, and, in the absence of any irregularity, there is a strong presumption that the Office action was properly mailed to the practitioner at the address of record. This presumption may be overcome by a showing that the Office action was not in fact received. In this regard, the showing required to establish the failure to receive the Office action must consist of the following:

1. a statement from practitioner stating that the Office action was not received by the practitioner;

2. a statement from the practitioner attesting to the fact that a search of the file jacket and docket records indicates that the Office action was not received; and

3. a copy of the docket record where the non-received Office action would have been entered had it been received and docketed must be attached to and referenced in the practitioner's statement.

See MPEP § 711.03(c) under subheading "Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action," and "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 Official Gazette 53 (November 16, 1993).

The petition satisfies the above-stated requirements. Accordingly, the application was not abandoned in fact.

In view of the above, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

This application is being referred to the Technology Center technical support staff of Art Unit 2117 for re-mailing the Office action of March 24, 2009. The period for reply will run from the mailing date of the Office action.

Thurman K. Page
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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HENSLEY KIM & HOLZER, LLC
1660 LINCOLN STREET, SUITE 3000
DENVER, CO 80264

MAILED

MAY 03 2010

OFFICE OF PETITIONS

In re Application of Mary L. Aaron Application No. 11/636,777 Filed: December 12, 2006 Attorney Docket No. 645-002-USP	: : : : :	DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR §§ 1.36(b) or 37 CFR 10.40, filed January 29, 2010.

The request is **NOT APPROVED**.

A review of the file record indicates that the power of attorney to Customer Number 45346 has been revoked by the assignee of the above application on January 25, 2010. Accordingly, the request to withdraw under 37 CFR §§ 1.36(b) or 10.40 is moot.

All future communications from the Office will be directed to the first copied address noted below until otherwise notified by applicant.

There is an outstanding Office action mailed on March 9, 2010 that requires a response from the applicant.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

cc: Dorsey & Whitney, LLP
Intellectual Property Department
370 Seventeenth Street - Suite 4700
Denver, CO 80202-5647

Albert Glenn Aaron
3226 Quitman Street
Denver, CO 80212

UNITED STATES PATENT AND TRADEMARK OFFICE

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DUNLAP, CODDING & ROGERS P.C.
PO BOX 16370
OKLAHOMA CITY OK 73113

COPY MAILED
MAR 14 2007
OFFICE OF PETITIONS

In re Application of	:	
James Q. Maguire	:	
Application No. 11/636,821	:	DECISION ON PETITION
Filed: December 11, 2006	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 4692.008	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed December 11, 2006, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a declaration statement signed by applicant. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to April Wise at 571-272-1642.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3676 for action on the merits commensurate with this decision.

April M. Wise
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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P.O. Box 1450
Alexandria, Virginia 22313-1450
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Juan Carlos A. Marquez
c/o Stites & Harbison PLLC
1199 North Fairfax Street
Suite 900
Alexandria, VA 22314-1437

Mail Date: 04/21/2010

Applicant	: Takeki Yazaki	: DECISION ON REQUEST FOR
Patent Number	: 7653062	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/636,826	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/11/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **489** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

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MAY 24 2010

OFFICE OF PETITIONS

WOODCOCK WASHBURN LLP
(MICROSOF CORPORATION)
CIRA CENTER, 12TH FLOOR
2929 ARCH STREET
PHILADELPHIA PA 19104-2891

In re Application of	:	
Bekim DEMIROSKI, et al	:	
Application No. 11/636,833	:	ON PETITION
Filed: December 11, 2006	:	
Attorney Docket No. MSFT-5789/305642.42	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 2, 2010, to revive the above-identified application.

The petition is **DISMISSED**.

The application became abandoned for failure to timely file the issue and publication fees on or before February 24, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed November 24, 2009, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on February 25, 2010.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s) (1).

With respect to item (1): The required reply set out in 37 CFR 1.137(b) has not been submitted. In this regard the publication and issue fees required by the Notice of Allowance and Fee(s) Due mailed November 24, 2009, has not been received by the Office. Accordingly, the petition is improper and cannot be approved.

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition desires to receive future correspondence regarding this application, the appropriate power of attorney document must be submitted.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300.**

All other inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

/dcg/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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WOODCOCK WASHBURN LLP
(MICROSOFT CORPORATION)
CIBA CENTRE, 12TH FLOOR
2929 ARCH STREET
PHILADELPHIA PA 19104-2891

MAILED

JUN 07 2010

OFFICE OF PETITIONS

In re Application of	:	
Bekim DEMIROSKI, et al	:	
Application No. 11/636,833	:	DECISION ON PETITION
Filed: December 11, 2006	:	
Attorney Docket No. MSFT-5789/305642.42	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed June 2, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely pay the issue and publication fees on or before February 24, 2010. As required by the Notice of Allowance and Fee(s) Due, mailed November 24, 2009, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on February 25, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $1510 and publication fee of $300; (2) the petition fee of $1620; and (3) and the required statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

All other inquires should be directed to the Technology Center at (571) 272-2100.

The application is being referred to the Technology Center 2162 for appropriate action on the Request for Continued Examination (RCE).

/dcg/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Paper No. None

Pamela Callies
15 Thornhurst
San Antonio TX 78218

COPY MAILED

NOV 30 2007

OFFICE OF PETITIONS

In re Application of	:	
Pamela Denise Callies	:	
Application No. 11/636,870	:	DECISION ON PETITION
Filed: December 11, 2006	:	UNDER 37 C.F.R. § 1.181(A)
Title: HEAVY DUTY FOIL POUCH,	:	
SACK, OR BAG, FOR BARBEQUING	:	
WITH CHARCOAL OR WOOD FOR EASY	:	
CLEAN UP	:	

This is a decision on the petition submitted on October 2, 2007 pursuant to 37 C.F.R. § 1.181(a).

BACKGROUND

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers (notice), mailed January 4, 2007, which set a shortened statutory period for reply of two months. No response was received, and no extensions of time under the provisions of 37 C.F.R. § 1.136(a) were requested. Accordingly, the above-identified application became abandoned on March 5, 2007. A notice of abandonment was mailed on September 11, 2007.

RELEVANT PORTIONS OF THE C.F.R. AND M.P.E.P.

37 C.F.R. § 1.8(b) sets forth, *in toto*:

> (b) In the event that correspondence is considered timely filed by being mailed or transmitted in accordance with paragraph (a) of this section, but not received in the U.S. Patent and

> Trademark Office after a reasonable amount of time has elapsed from the time of mailing or transmitting of the correspondence, or after the application is held to be abandoned, or after the proceeding is dismissed, terminated, or decided with prejudice, the correspondence will be considered timely if the party who forwarded such correspondence:
>
> (1) Informs the Office of the previous mailing or transmission of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence;
>
> (2) Supplies an additional copy of the previously mailed or transmitted correspondence and certificate; and
>
> (3) Includes a statement which attests on a personal knowledge basis or to the satisfaction of the Director to the previous timely mailing or transmission. If the correspondence was sent by facsimile transmission, a copy of the sending unit's report confirming transmission may be used to support this statement.

M.P.E.P. §503 sets forth, *in pertinent part*:

> If a receipt for any item (e.g., paper or fee) filed in the USPTO is desired, it may be obtained by enclosing with the paper a self-addressed postcard specifically identifying the item. To ensure the receipt of return receipt postcards, users must either: (A) purchase already stamped postcards from the United States Postal Service (USPS) or affix postage stamps to their postcards; or (B) if a postage meter is used, ensure that the meter postmark does not show the date. Any return receipt postcard containing a dated meter postmark may not be delivered by the USPS to the address provided on the postcard. >Users are reminded that they are solely responsible for placing the proper postage on self-addressed postcards that are submitted to the USPTO for the purpose of obtaining a receipt for correspondence being filed in the USPTO. Users should check with the USPS regarding postage and what size cards are acceptable to the USPS. Any return receipt postcard that does not contain sufficient postage or is not acceptable may not be delivered by the USPS to the address provided on the postcard, and, if returned to the USPTO, may be discarded.
>
> The USPTO will stamp the receipt date on the postcard and place it in the outgoing mail. A postcard receipt which itemizes and properly identifies the items which are being filed serves as prima facie evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO.

ANALYSIS

With the present petition, Petitioner has alleged that a response was submitted in February of 2007, and has included a copy of a United States Postal Service (USPS) Return Receipt that contains a date stamp of "Feb-2 2007."

The electronic file has been reviewed, and a copy of the response that was purportedly submitted in February of 2007 has not been located[1].

Rule § 1.8 and M.P.E.P. § 503 set forth procedures which may be undertaken by applicants, in order to provide relief and secure the withdrawal of a holding of abandonment in situations where a communication is mailed to the Office and either not received or misplaced within the same.

Petitioner will note that a Return Receipt from the USPS is not an acceptable procedure by which an applicant may establish that a particular item was provided to the Office on a particular date.

Petitioner has not provided a postcard receipt, and the copy of the response that Petitioner has submitted does not contain a certificate of mailing. It follows that the showing in the present petition is not sufficient to withdraw the holding of abandonment. Pursuant to the discussion above, the petition pursuant to 37 C.F.R. § 1.181 must be **DISMISSED**.

CONCLUSION

Any reply must be submitted within **TWO MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. § 1.136(a) are permitted. The reply should include a cover letter entitled "Renewed Petition Pursuant to 37 C.F.R. § 1.181". This is not a final agency action within the meaning of 5 U.S.C § 704.

Alternatively, Petitioner may wish to consider filing a petition under 37 C.F.R. §§1.137(a) and/or (b). Petitioner may download information about these petitions here:
http://www.uspto.gov/web/offices/pac/mpep/documents/0700_711_03_c.htm#sect711.03c

Any subsequent filing pertaining to the abandonment of this application should indicate in a prominent manner that the

---

1 Petitioner has submitted a copy of that which was purportedly presented to the Office in February of 2007. This submission has been reviewed by the undersigned, and it is noted in passing that it does not appear to contain the serial number of the present application thereon. As such, it is possible that this submission was received in the Office, and was not associated with the present electronic file due to the fact that it did not contain the required identifier.

attorney handling this matter is Paul Shanoski, and may be submitted by mail[2], hand-delivery[3], or facsimile[4].

If responding by mail, Petitioner is advised not to place the undersigned's name on the envelope. Only the information that appears in the footnote should be included - adding anything else to the address will delay the delivery of the response to the undersigned.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225[5]. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

Paul Shanoski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office

---

2 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
3 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
4 (571) 273-8300- please note this is a central facsimile number.
5 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.

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COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
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ALEXANDRIA, VA 22313-1450
WWW.USPTO.GOV

Paper No.

COPY MAILED

FEB 29 2008

Pamela Callies
15 Thornhurst
San Antonio TX 78218

In re Application of Pamela Denise Callies Application No. 11/636,870 Filed: December 11, 2006 Title: HEAVY DUTY FOIL POUCH, SACK, OR BAG, FOR BARBEQUING WITH CHARCOAL OR WOOD FOR EASY CLEAN UP	DECISION ON PETITION UNDER 37 C.F.R. § 1.137(B)

This is a decision on the petition pursuant to 37 C.F.R. § 1.137(b)[1], filed on January 28, 2008, to revive the above-identified application.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers (notice), mailed January 4, 2007, which set a shortened statutory period for reply of two months. No response was received, and no extensions of time under the provisions of 37 C.F.R. § 1.136(a) were requested. Accordingly, the above-

1 A grantable petition pursuant to 37 C.F.R § 1.137(b) must be accompanied by:

(1) The reply required to the outstanding Office action or notice, unless previously filed;
(2) The petition fee as set forth in § 1.17(m);
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
(4) Any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (d) of this section.

identified application became abandoned on March 5, 2007. A notice of abandonment was mailed on September 11, 2007.

A petition pursuant to 37 C.F.R. § 1.181(a) was submitted on October 2, 2007, and was dismissed via the mailing of a decision on November 30, 2007.

With this petition, Petitioner has submitted the petition fee and the proper statement of unintentional delay. Petitioner has further submitted an abstract, a specification, claims, and drawings. A terminal disclaimer is not required.

As such, the petition under 37 C.F.R. § 1.137(b) is **GRANTED.**

The Office of Patent Application Processing (OPAP) will be notified of this decision so that the application may receive further processing.

The general phone number for OPAP is 571-272-4000. Telephone inquiries **regarding this decision** should be directed to the undersigned at (571) 272-3225[2].

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

---

2 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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BARBER LEGAL
P.O. BOX 16220
GOLDEN, CO 80402-6004

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AUG 13 2007

OFFICE OF PETITIONS

In re Application of	:	
Richard H. Kim et al	:	
Application No. 11/636,888	:	DECISION ON PETITION
Filed: December 11, 2006	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 521p-Kim	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed December 11, 2006, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a copy of Inventor Richard H. Kim's driver license showing that he is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at 571-272-3210.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 2834 for action on the merits commensurate with this decision.

Irvin Dingle
Petitions Examiner
Office of Petitions

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GOLDEN, CO 80402-6004

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AUG 2 1 2008

OFFICE OF PETITIONS

In re Application of	:	
Richard H. Kim, et. al.	:	
Application No. 11/636,888	:	DECISION ON PETITION
Filed: December 11, 2006	:	
Attorney Docket No. 521P-KIM	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 21, 2008, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before June 24, 2008, as required by the Notice of Allowance and Fee(s) Due, mailed March 24, 2008. Accordingly, the date of abandonment of this application is June 25, 2008.

There is no indication that the person signing the petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. However, in accordance with 37CFR 1.34(a), the signature of Craig Barber appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party in whose behalf he acts. If petitioner desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $720 and the publication fee of $300, (2) the petition fee of $770; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Denise Williams at (571) 272-8930.

This application is being referred to the Office of Data Management for processing into a patent.

Andrea Smith
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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MCDONNELL BOEHNEN HULBERT &
BERGHOFF LLP
300 S. WACKER DRIVE
32ND FLOOR
CHICAGO IL 60606

MAILED

MAR 22 2010

OFFICE OF PETITIONS

In re Application of :
John et al. :
Application No. 11/636,903 :
Filed: December 11, 2006 :
Attorney Docket No. 01-1646-C1 :
Title: N,N'-SUBSTITUTED-1,3- :
DIAMINO-2-HYDROXYPROPANE :
DERIVATIVES :

ON APPLICATION FOR
PATENT TERM ADJUSTMENT

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(b)," filed October 15, 2009. Applicants request that the initial Determination of Patent Term Adjustment under 35 U.S.C. 154(b) be corrected from two hundred seven (207) days to four hundred thirty-eight (438) days.

The application for patent term adjustment is **GRANTED to the extent indicated**.

The Office has updated the PAIR screen to reflect that the correct Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is **three hundred twenty-two (322)** days. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

On October 11, 2009, the Office mailed a Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. Applicants were advised that the patent term adjustment to date is 208 days. In response, applicants timely filed the instant request for reconsideration of the patent term adjustment along with payment of the fee set forth in 37 C.F.R. § 1.18(e). Applicants contend that an adjustment of 438 days pursuant to 37 CFR 1.703(a)(1) is required instead of the 322 currently accorded. Applicants state the Office action of April

24, 2009 replaced the December 29, 2008 action thus, the delay pursuant to 37 CFR 1.702(a)(1) is fourteen months and 438 days. Applicants request that the patent term adjustment be corrected to 438 days.

Applicants also assert that the reduction pursuant to 37 CFR 1.704(b) should be calculated as 0 days, not 115 days. Applicants note that after an Office action was mailed on December 29, 2008, a supplemental Office action was mailed on April 24, 2009 resetting the period for reply. Applicants contend that based on the mailing of the April 24, 2009 Office action, a response to the April 24, 2009 Office action submitted on July 22, 2009 should result in 0 days of applicant delay.

The application history has been reviewed and it has been determined that the initial patent term adjustment of 180 days is incorrect. The Office mailed an Office action under section 132 on December 29, 2008. Thus the Office met the requirements of 37 CFR 1.702(a)(1). As such the adjustment of 322 days will remain.

The time period was restarted upon the mailing of the April 24, 2009 Office action. Under the circumstances, applicants are correct that they did not fail to engage in reasonable efforts within the meaning of § 1.704(b) for 0 days. Instead, the response filed July 22, 2009, was received within three months after the mailing of the Office action as re-mailed on April 24, 2009. Accordingly, a period of reduction of 115 days will be removed.

In view thereof, the correct patent term adjustment at the time of the mailing of the notice of allowance is 322 days (322 -0).

As the USPTO does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time of the issuance of the patent, the Office will consider any request for reconsideration of the patent term adjustment due to an error in the calculation of 37 CFR 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent.

The Office acknowledges submission of the $200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

Any request for reconsideration of the patent term adjustment indicated on the patent must be timely filed within 2 months after issuance pursuant to 37 CFR 1.705(d) and must include payment of the required fee under 37 CFR 1.18(e).

The Office of Data Management has been advised of this decision. This application is being referred to the Office of Data Management for issuance of the patent.

Telephone inquiries specific to this matter should be directed to Petitions Attorney Charlema Grant at (571) 272-3215.

/ALESIA M. BROWN/

Alesia M. Brown
Petitions Attorney
Office of Petitions

Enclosure: Copy of REVISED PALM Screen

Day : Sunday
Date: 3/21/2010

PALM INTRANET

Time: 10:50:17

PTA Calculations for Application: 11/636903			
Application Filing Date:	12/11/2006	PTO Delay (PTO):	322
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	115
Post-Issue Petitions:	0	Total PTA (days):	322
PTO Delay Adjustment:	115		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
47	03/21/2010	ADJUSTMENT OF PTA CALCULATION BY PTO	115		
39	10/01/2009	MAIL NOTICE OF ALLOWANCE			
38	09/30/2009	ISSUE REVISION COMPLETED			
37	09/30/2009	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
36	09/30/2009	CASE DOCKETED TO EXAMINER IN GAU			
35	09/30/2009	DOCUMENT VERIFICATION			
34	09/29/2009	NOTICE OF ALLOWABILITY			
31	09/19/2009	DATE FORWARDED TO EXAMINER			
30	07/22/2009	RESPONSE AFTER NON-FINAL ACTION		115	26
29	04/24/2009	MAIL NOTICE OF RESTARTED RESPONSE PERIOD			
27	04/16/2009	LETTER RESTARTING PERIOD FOR RESPONSE (I.E. LETTER RE: REFERENCES)			
26	12/29/2008	MAIL NON-FINAL REJECTION	322		-1
25	12/22/2008	NON-FINAL REJECTION			
24	11/29/2007	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
23	11/29/2007	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
22	06/10/2008	MISCELLANEOUS INCOMING LETTER			
21	11/29/2007	ELECTRONIC INFORMATION DISCLOSURE STATEMENT			
20	11/29/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
19	11/29/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
18	09/13/2007	PG-PUB ISSUE NOTIFICATION			

17	08/16/2007	CASE DOCKETED TO EXAMINER IN GAU			
16	04/24/2007	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
15	12/11/2006	PRELIMINARY AMENDMENT			
14	04/17/2007	APPLICATION DISPATCHED FROM OIPE			
13	04/05/2007	SENT TO CLASSIFICATION CONTRACTOR			
12	04/05/2007	APPLICATION IS NOW COMPLETE			
9	03/22/2007	ADDITIONAL APPLICATION FILING FEES			
8	03/22/2007	A SET OF SYMBOLS AND PROCEDURES, PROVIDED TO THE PTO ON A SET OF COMPUTER LISTINGS, THAT DESCRIBE IN			
7	04/02/2007	CRF IS GOOD TECHNICALLY / ENTERED INTO DATABASE			
5	01/22/2007	CLEARED BY L&R (LARS)			
4	12/18/2006	REFERRED TO LEVEL 2 (LARS) BY OIPE CSR			
3	12/18/2006	CASE CLASSIFIED BY OIPE			
2	12/15/2006	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	12/11/2006	INITIAL EXAM TEAM NN			

Search Another: Application# Search

EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

To go back, right click here and select Back. To go forward, right click here and select Forward. To refresh, right click here and select Refresh.

Back to OASIS | Home page

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Treyz Law Group
870 Market Street, Suite 984
San Francisco, CA 94102

Mail Date: 04/21/2010

Applicant	: Srinivas Perisetty	: DECISION ON REQUEST FOR
Patent Number	: 7639067	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/636,907	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/11/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **174** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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WILLIAM M. SELENKE
5 DRUMMOND STREET.
CINCINNATI, OH 45218

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JUN 2 8 2007

OFFICE OF PETITIONS

In re Application of
OSBORNE, William D.
Application No. 11/636,934
Filed: December 11, 2006
Attorney Docket No. 211-o7

DECISION ON PETITION
TO MAKE SPECIAL UNDER
37 CFR 1.102(c)(1)

This is a decision on the petition under 37 CFR 1.102(c)(1), filed December 11, 2006, to make the above-identified application special based on applicant's health as set forth in M.P.E.P. § 708.02, Section III and petition to make special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **DISMISSED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section III: Applicant's Health, must be accompanied by evidence, such as a doctor's certificate or other medical certificate, showing that the state of health of the applicant is such that he or she might not be available to assist in the prosecution of the application if it were to run its normal course. No fee is required

The instant petition does not include evidence such as a doctor's certificate ***showing that the state of health of the applicant is such that he or she might not be available to assist in the prosecution of the application if it were to run its normal course.***

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age, must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificated or a statement by applicant. No fee is required.

The instant petition does not include evidence showing that the inventor Mr. William Osborne is 65 years of age, ***such as a birth certificate or a statement signed by himself, attesting to his age.***

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such

personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14).

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By FAX: (571) 273-8300

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7253.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3636 for action in its regular turn.

Monica A. Graves
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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WILLIAM M. SELENKE
5 DRUMMOND STEET
CINCINNATE, OH 45218

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OFFICE OF PETITIONS

In re Application of	:	
OSBORNE, William D.	:	
Application No. 11/636,934	:	DECISION ON PETITION
Filed: December 11, 2006	:	TO MAKE SPECIAL UNDER
Attorney Docket No. **211-07**	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the renewed petition under 37 CFR 1.102(c)(1), filed July 26, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED.**

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes the drivers license of inventor William D. Osborne, attesting to his age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7253.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3636 for action on the merits commensurate with this decision.

Monica A. Graves
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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WILLIAM M SELENKE
5 DRUMMOND ST
CINCINNATI OH 45218

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OCT 10 2008
OFFICE OF PETITIONS

In re Application of	:	
William D. Osborne	:	
Application No. 11/636,934	:	ON PETITION
Filed: December 11, 2006	:	
Attorney Docket No. 211-o7	:	

This is a decision on the paper filed August 8, 2008, which is being treated as a petition under 37 CFR 1.181 to withdraw the holding of abandonment.

The petition is **GRANTED**.

The holding of abandonment is **WITHDRAWN**.

This application became abandoned by operation of law for failure to timely file a response to the non-final Office action mailed December 12, 2007. This Office action set a shortened statutory period for reply of three (3) months. No reply having been received, the application became abandoned on March 13, 2008. The Office mailed a Notice of Abandonment on July 28, 2008.

Petitioner contends that he did timely file a reply. A review of the reply reveals that it was directed to application No. 11/683,934. In addition, a review of application No. 11/683,934 indicates that the Office did receive a reply on February 19, 2008.

As set forth in the Manual of Patent Examining Procedure § 724.05:

> Where the Office can determine the correct application file that the papers were actually intended for, based on identifying information in the heading of the papers (e.g. application number, filing date, title of invention and inventor(s) name(s)), the Office will transfer the papers to the correct application file for which they were intended without the need of a petition.

Here, apart from the application number, the response did contain the correct identifying information (specifically the attorney docket number, the title of invention, the inventor, and the filing date). Accordingly, it is concluded that the Office could have determined the correct application file for which the response was intended.

In view thereof, the holding of abandonment is withdrawn.

Given the basis for granting this petition, no petition fee was required, and none has been charged.

The matter is being forwarded to Group Art Unit 3711 for consideration of the Amendment filed February 19, 2008, a copy of which has been supplied with the instant petition.

Telephone inquiries regarding this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

WILLIAM M. SELENKE
5 DRUMMOND ST.
CINCINNATI OH 45218

In re Application of :
Osborne :
Application No. 11/636,934 : DECISION
Filed: 11 December, 2006 :
Attorney Docket No. 211-07 :

This is a decision on the petition filed on 4 September, 2009, pursuant to 37 C.F.R. §1.137(b) for revival of an application abandoned due to unintentional delay .

The petition under 37 C.F.R. §1.137(b) is **DISMISSED**.

> **NOTE: Because Petitioner has been placing an incorrect application number on the papers submitted (erroneously : 11/639,934, Petitioner's replies and fees have not been directed and inserted into/credited to the proper file.'**
>
> **The correct Application Number is: 11/636,934.**
>
> **Petitioner also is directed to and respectfully requested to take advantage of the *forms* page on the Office website (http://www.uspto.gov/forms/index.jsp#patent).**

Any further petition to revive must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 C.F.R. §1.137(b)."

This is **not** a final agency action within the meaning of 5 U.S.C.§704.

As to the Allegations
of Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee.

Petitioner does not appear to have addressed satisfactorily the petition, and the statement/showing-of-delay requirements under the rule. This deficiency must be overcome.

Petitioners' attentions always are directed to the guidance in the Commentary at MPEP §711.03(c)(II).

BACKGROUND

Petitioner failed to reply timely and properly to the final Office action mailed on 16 January, 2009, with reply due absent extension of time on or before 16 April, 2009.

The application went abandoned after midnight 16 April, 2009.

The Office mailed the Notice of Abandonment on 30 July, 2009.

On 4 September, 2009, Petitioner/Applicant Miller filed papers containing the incorrect serial number, as noted above, that are being construed as a petition (but which do not satisfy the requirements of a petition) pursuant to 37 C.F.R. §1.137(b) (a copy of the form is enclosed), with fee (*see*: www.uspto.gov and http://www.uspto.gov/web/offices/ac/qs/ope/fee2009september15.htm#patapp), without the reply in the form of the request for continued examination (RCE) (a proper form is enclosed herewith) and fee and a submission in the form of an amendment pursuant to 37 C.F.R. §1.114. Petitioner also failed to make the statement/showing of unintentional delay—it is in the form.It is noted that the fees (petition and RCE) also were directed to the incorrect application. The Office has sought to correct this matter, however, Petitioner is cautioned to utilize his Customer Number associated with this application to ensure that papers and fees are properly directed following future filings.

These deficiencies must by addressed and overcome in any renewed petition.

Again, Petitioners' attentions always are directed to the guidance in the Commentary at MPEP §711.03(c)(II).

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice and all others who make representations before the Office **must** inquire into the underlying facts

of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[1]

STATUTES, REGULATIONS AND ANALYSIS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994).[2]
The regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application under this congressional grant of authority.

Unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and also, by definition, are not intentional.[3]))

As to Allegations of Unintentional Delay

As indicated above, the requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a proper reply, a proper statement and/or showing of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee.

As discussed above, it does not appear that Petitioner has satisfied statement/showing-of-delay requirements under the rule.

CONCLUSION

Accordingly, the petition under 37 C.F.R. §1.137(b) is **dismissed**.

Further correspondence with respect to this matter should be addressed as follows:

---

[1] See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

[2] 35 U.S.C. §133 provides:

35 U.S.C. §133 Time for prosecuting application.

Upon failure of the applicant to prosecute the application within six months after any action therein, of which notice has been given or mailed to the applicant, or within such shorter time, not less than thirty days, as fixed by the Commissioner in such action, the application shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Commissioner that such delay was unavoidable.

[3] Therefore, by example, an unintentional delay in the reply might occur if the reply and transmittal form are to be prepared for shipment by the US Postal Service, but other pressing matters distract one's attention and the mail is not timely deposited for shipment.

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By facsimile: **(571) 273-8300**
Attn: Office of Petitions

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[4]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

[4] The regulations at 37 C.F.R. §1.2 provide:
§z1.2 Business to be transacted in writing.
All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of Petitioners or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/636,939	12/11/2006	Ki-Won Sung	678-2888 (P14976)	9414

7590 08/28/2009
THE FARRELL LAW FIRM, LLP
290 Broadhollow Road
Suite 210E
Melville, NY 11747

EXAMINER
WOO, KUO-KONG

ART UNIT	PAPER NUMBER
2617	

MAIL DATE	DELIVERY MODE
08/28/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Nioni Farmer

Patent Publication Branch
Office of Data Management

Refund Ref:
09/01/2009 NFARMER 0000168672

CHECK Refund Total: $2200.00

Adjustment date: 09/01/2009 NFARMER
12/13/2006 LWONDIM1 00000013 11636939
02 FC:1111 -500.00 OP
04 FC:1202 -1100.00 OP
05 FC:1201 -400.00 OP

FORM PET651G (Rev. 08/07)

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WOLF GREENFIELD & SACKS, P.C.
600 ATLANTIC AVENUE
BOSTON MA 02210-2206

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OCT 1 1 2007

OFFICE OF PETITIONS

In re Application of :
Mel Gordon :
Application No. 11/636,942 :
Filed: December 11, 2006 :
Attorney Docket No. T0033.70034US00 :

DECISION ON PETITION
TO MAKE SPECIAL UNDER
37 CFR 1.102(c)(1)

This is a decision on the petition under 37 CFR 1.102(c)(1), filed July 23, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement from the applicant declaring that he is 65 years of age or older. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Terri Williams at 571-272-2991.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3728 for action on the merits commensurate with this decision.

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 4/22/09

TO SPE OF : ART UNIT 1656

SUBJECT : Request for Certificate of Correction for Appl. No.: 11636948 Patent No.: 7282360 B2

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
South Tower - 9A22
Palm Location 7580

You can fax the Directors/SPE response to 571-270-9990

LAMONTE NEWSOME
Certificates of Correction Branch
703-308-9390 ext. 112

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- ☐ **Approved** — **All** changes apply.
- ☒ 1 **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments: inventor name correction is approved because all requirements of rule 48(b) are met. 2

However, title change is disapproved by Decisions & Certificated Branch as can be seen by the scanned letter of 4/23/2009 3 (under PAIR).

/Maryam Monshipouri/ 5 4/24/09 4
Primary Examiner

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

SPE	Art Unit
ANDREW WANG SUPERVISORY PATENT EXAMINER	1656

Please delete all inventors below except for 1
Rosana Kapeller-Libermann.
MM 4/24/09

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UNITED STATES DEPARTMENT OF COMMERCE
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www.uspto.gov

BIB DATA SHEET

CONFIRMATION NO. 1187

SERIAL NUMBER	FILING or 371(c) DATE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.
11/636,948	12/11/2006 RULE	435	1656	MPI00-054P1RCP1OMNIDV1DV1

APPLICANTS

~~Rachel E. Meyers, Newton, MA~~; 2
~~Peter J. Olandt, Newton, MA;~~ 3
Rosana Kapeller-Libermann, Chestnut Hill, MA; MM 4
~~Rory A. J. Curtis, Framingham, MA;~~ 5
~~Mark Williamson, Saugus, MA;~~ 6
~~Nadine Weich, Brookline, MA;~~ 7

**** CONTINUING DATA ****************************

This application is a DIV of 11/151,601 06/13/2005 PAT 7,198,930
which is a DIV of 10/170,789 06/13/2002 PAT 7,070,947
which is a CIP of 09/797,039 02/28/2001 PAT 6,730,491
which claims benefit of 60/186,061 02/29/2000
and said 10/170,789 06/13/2002
is a CIP of 09/882,166 06/15/2001 ABN
which claims benefit of 60/212,078 06/15/2000
and said 10/170,789 06/13/2002
is a CIP of 09/934,406 08/21/2001 ABN
which claims benefit of 60/226,740 08/21/2000
and said 10/170,789 06/13/2002
is a CIP of 09/861,801 05/21/2001 ABN
which claims benefit of 60/205,508 05/19/2000
and said 10/170,789 06/13/2002
is a CIP of 09/801,267 03/06/2001 ABN
which claims benefit of 60/187,454 03/07/2000
and said 10/170,789 06/13/2002
is a CIP of 09/829,671 04/10/2001 ABN
which claims benefit of 60/197,508 04/18/2000
and said 10/170,789 06/13/2002
is a CIP of 09/961,721 09/24/2001 ABN
which claims benefit of 60/235,023 09/25/2000
and said 10/170,789 06/13/2002
is a CIP of 10/045,367 11/07/2001 ABN
which claims benefit of 60/246,561 11/07/2000
and said 10/170,789 06/13/2002
is a CIP of 09/801,275 03/06/2001 ABN
which claims benefit of 60/187,420 03/07/2000

**** FOREIGN APPLICATIONS *****************************

**** IF REQUIRED, FOREIGN FILING LICENSE GRANTED ****

		STATE OR COUNTRY	SHEETS DRAWINGS	TOTAL CLAIMS	INDEPENDENT CLAIMS
Foreign Priority claimed ☐ Yes ☑ No 35 USC 119(a-d) conditions met ☐ Yes ☑ No Verified and Acknowledged /MARYAM MONSHIPOURI/ Examiner's Signature	☐ Met after Allowance Initials	MA	35	19	2

ADDRESS

MILLENNIUM PHARMACEUTICALS, INC.
40 Landsdowne Street
CAMBRIDGE, MA 02139
UNITED STATES

TITLE

NOVEL HUMAN PROTEIN KINASE, PHOSPHATASE, AND PROTEASE FAMILY MEMBERS AND USES THEREOF

FILING FEE RECEIVED 2300	FEES: Authority has been given in Paper No._____ to charge/credit DEPOSIT ACCOUNT No._____ for following:	☐ All Fees ☐ 1.16 Fees (Filing) ☐ 1.17 Fees (Processing Ext. of time) ☐ 1.18 Fees (Issue) ☐ Other _____ ☐ Credit

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PATTON BOGGS LLP
8484 WESTPARK DRIVE
SUITE 900
MCLEAN VA 22102

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JAN 04 2010

In re Application of	:	
Mitchell L. ADLER	:	
Application No. 11/636,961	:	DECISION ON PETITION
Filed: December 12, 2006	:	TO WITHDRAW
Attorney Docket No. 025274.0101PTUS	:	FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 10, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Michele V. Frank on behalf of all the attorneys of record.

All the attorneys of record have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

All future communications from the Office will be directed to the inventor at the address indicated below until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6735.

/Diane C. Goodwyn/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

cc: MITCHELL L. ADLER
81 NEWTOWN LANE
BOX 276
EAST HAMPTON NY 11937

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/636,961	12/12/2006	Mitchell L. Adler	025274.0101PTUS

CONFIRMATION NO. 9501

POWER OF ATTORNEY NOTICE

OC000000039450654

32042
PATTON BOGGS LLP
8484 WESTPARK DRIVE
SUITE 900
MCLEAN, VA 22102

Date Mailed: 01/04/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/10/2009.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/dcgoodwyn/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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DIW May-07

DICKSTEIN SHAPIRO LLP
1825 EYE STREET NW
Washington DC 20006-5403

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MAY 17 2007

OFFICE OF PETITIONS

In re Application of	:
Mouli et al.	:
Application No. 11/636,979	: DECISION DISMISSING PETITION
Filed: 12/12/2006	:
Atty Docket No.	:
M4065.0571/P571-B	:

This is a decision in reference to the petition filed on 12 March, 2007, requesting that the Notice of Omitted Items mailed on 10 January, 2007, be withdrawn, which is treated as a petition under 37 CFR 1.182 requesting that the above-identified application be accorded a filing date of 12 December, 2006, with Page 1 of the specification as a part of the original disclosure.

The petition is dismissed.

On 12 December, 2006, the application was filed.

On 10 January, 2007, the Office of Initial Patent Examination (OIPE) mailed a Notice of Omitted Item(s) stating that the application had been accorded a filing date of 10 January, 2007, but that Page 1 of specification (description and claims) appeared to have been omitted from the application.

In response, on 12 March, 2007, the present petition was filed. Petitioners apparently concede that Page 1 was inadvertently omitted from the application, but assert that the omitted Page 1 is contained in Application No. 11/206,125, of which the present application is a divisional application. Additionally, the first line of the specification as amended by the preliminary amendment filed with the original application papers on 12 December, 2006, states that, *inter alia*, the prior Application No. 11/206,125, is "herewith incorporated by reference in its entirety."

The mailing of a "Notice of Omitted Items" permits the applicant to either: (1) promptly establish prior receipt in the PTO of the drawing(s) at issue (generally by way of a date-stamped postcard

receipt (MPEP 503)), or (2) promptly submit the omitted drawing(s) in a nonprovisional application and accept the date of such submission as the application filing date. An applicant asserting that the missing drawings were in fact deposited in the PTO with the application papers must file a petition (and the appropriate petition fee) with evidence of such deposit. An applicant desiring to submit the omitted drawings in a nonprovisional application and accept the date of such submission as the application filing date must file any omitted drawing(s) with an oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such drawing(s) and a petition under 37 CFR 1.182 (with the petition fee under 37 CFR 1.17(h)) requesting the later filing date within two months of the date of the "Notice of Omitted Items" (37 CFR 1.181(f)).

In this case, however, petitioners neither assert that the missing Page 1 was deposited on 12 December, 2006, nor request the 12 March, 2006 (the date the specification page was supplied), filing date.

MPEP 201.06(c)(IV) states that:

> An applicant may incorporate by reference the prior application by including, in the continuation or divisional application-as-filed, an explicit statement that such specifically enumerated prior application or applications are "hereby incorporated by reference." The statement must appear in the specification. See 37 CFR 1.57(b) and MPEP § 608.01(p). The inclusion of this incorporation by reference statement will permit an applicant to amend the continuation or divisional application to include subject matter from the prior application(s), <u>without the need for a petition</u> provided the continuation or divisional application is entitled to a filing date notwithstanding the incorporation by reference.
>
> (emphasis supplied)

Obviously, in view of the incorporation by reference of the prior application, Page 1 of the specification does not contain new matter if it was were a part of the disclosure of the prior application.

Petitioner should file Page 1 as a preliminary amendment. If Page 1 is filed as a preliminary amendment, it will be reviewed by the examiner for new matter.

The application will be processed using only the application papers present on filing. The copy of the application papers filed with the present petition will not be processed for examination, but will be retained in the application file.

As the Notice of Omitted Items properly indicated that Page 1 *appeared* to have been omitted, the Notice will not be withdrawn. Furthermore, as this petition was necessitated by applicants' filing error rather than an error on the part of the Office, the petition fee will not be refunded.

The application is being returned to Initial Patent Examination Division for further processing with a filing date of 12 December, 2006, using only the application papers filed on that date.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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1825 EYE STREET NW
WASHINGTON DC 20006-5403

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SEP 21 2007

OFFICE OF PETITIONS

In re Application of	:	
Mouli et al.	:	
Application Number: 11/636979	:	DECISION ON PETITION
Filing Date: 12/12/2006	:	
Attorney Docket Number:	:	
M4065.0571/P571-B	:	

This is a decision in reference to the request for reconsideration filed on 30 July, 2007, requesting that the Notice of Omitted Items mailed on 10 January, 2007, be withdrawn, which is treated as a renewed petition under 37 CFR 1.182 requesting that the above-identified application be accorded a filing date of 12 December, 2006, with Page 1 of the specification as a part of the original disclosure.

The petition is **granted**.

On 12 December, 2006, the application was filed. The application papers filed included, *inter alia*, one specification cover sheet, Pages 2-19 of written description, Pages 20-34 containing the claims, and Page 35 containing the abstract.

On 10 January, 2007, the Office of Initial Patent Examination (OIPE) mailed a Notice of Omitted Item(s) stating that the application had been accorded a filing date of 10 January, 2007, but that Page 1 of specification (description and claims) appeared to have been omitted from the application.

In response, on 12 March, 2007, a petition was filed. The petition was dismissed on 17 May, 2007.

Accordingly, the present renewed petition was filed on 30 July, 2007.

Petitioners argue that Page 1 of the specification was filed with the other application papers on 12 December, 2006, but were subsequently misplaced in the U.S. Patent and Trademark Office (Office). In support, petitioners assert that a copy of a postcard receipt was supplied.

Petitioners postcard receipt has been located in the official file. The postcard receipt shows an "Office-date" stamp of "121206" with the above-identified application number, and identifies the application by the first named inventor's name, attorney docket number, and the invention title and acknowledges receipt of, *inter alia*, 35 pages of specification. Petitioner requests that the application, including Page 1 of the specification, be accorded a filing date of 12 December, 2006.

A review of the record reveals that no Page 1 of the specification have been located among the application papers received on 12 December, 2006. However, the evidence is convincing that the application papers deposited on 12 December, 2006, included Page 1 of the specification (written description), which was subsequently misplaced in the Office. Therefore, the application, including Page 1 of the specification, is entitled to a filing date of 12 December, 2006.

The "Notice" mailed on 10 January, 2007, is vacated.

In view of the above, the petition is granted. As the petition was necessitated by Office error, the petition fee is unnecessary and will be refunded to counsel's deposit account.

The application will be processed with the copy of Page 1 of the specification supplied on 12 March, 2007, as a part of the original disclosure. The copies of the other application papers supplied on 12 March, 2007, will not be used for processing or examination, but will be retained in the application file.

The application is being referred to the Office of Initial Patent Examination for further processing with a filing date of 12 December, 2006, using the application papers filed on that date, and the copy of Page 1 of the specification supplied with the present petition.

Telephone inquires should be directed to the undersigned at 571-272-3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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www.uspto.gov

FAY SHARPE/LUCENT
1228 Euclid Avenue, 5th Floor
The Halle Building
Cleveland, OH 44115-1843

Mail Date: 08/04/2010

Applicant	: Ralf Klotsche	: DECISION ON REQUEST FOR
Patent Number	: 7653347	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/636,984	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/12/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **664** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

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MAILED

MAY 24 2010

OFFICE OF PETITIONS

STERNE KESSLER GOLDSTEIN & FOX P.L.L.C.
1100 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

In re Application of :
Ian Kenneth Shepherd :
Application No. 11/637,002 : ON PETITION
Filed: December 12, 2006 :
Attorney Docket No. 2151.0040007

This is a decision on the petition, filed May 20, 2010 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on March 15, 2010 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 3695 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

---

[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

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WASHINGTON DC 20005

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DEC 15 2009

OFFICE OF PETITIONS

In re Application of	:	
Sorrells et al.	:	
Application Number: 11/637004	:	NOTICE
Filing or 371(c) Date: 12/12/2006	:	
Attorney Docket Number: 1744.190000I	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28, filed on October 9, 2009.

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3231.

D Wood

Douglas I. Wood
Attorney
Office of Petitions

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JACOBSON HOLMAN PLLC
400 SEVENTH STREET N.W.
SUITE 600
WASHINGTON, DC 20004

Mail Date: 04/21/2010

Applicant	: Nicolle Wilke	: DECISION ON REQUEST FOR
Patent Number	: 7651946	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/637,020	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/12/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **474** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.
1800 DIAGONAL ROAD, SUITE 370
ALEXANDRIA, VA 22314

In re Application of	:	
EGUCHI, et al.	:	
Application No. 11/637,043	:	DECISION GRANTING PETITION
Filed: December 12, 2006	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **ASA-5097-03**	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed November 13, 2008, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on October 23, 2008 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 2113 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

Monica A. Graves
Petitions Examiner
Office of Petitions

---

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

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KELLEY DRYE & WARREN LLP
3050 K STREET, NW
SUITE 400
WASHINGTON DC 20007

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MAR 10 2009

OFFICE OF PETITIONS

Applicant: Vanderpoel
Appl. No.: 11/637,047
Filing Date: December 21, 2006
Title: VALVE ACTUATION SYSTEM AND METHOD OF DRIVING TWO SLAVE PISTONS WITH ONE MASTER PISTON
Attorney Docket: 34090-06356
Pub. No.: 2008/0135796 A1
Pub. Date: June 12, 2008

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on July 3, 2008, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains a material error in the drawings wherein the figures published belong to application number 11/976,793.

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. [1]

The instant request does not identify a mistake in the publication made by the Office under 37 CFR 1.221(b) with respect to the drawings. Applicant filed a set of drawings on February 1, 2008 with the instant serial number. It is these drawings that were published.

Applicant is reminded of his duty to conduct a reasonable inquiry before filing a paper before the Office. See MPEP 410.

---

[1] Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

Applicants' request for a corrected patent application publication on July 3, 2008, may constitute a "failure to engage in reasonable efforts to conclude processing or examination of the application." See 1.704(c). This determination will be made on or after a mailing of a Notice of Allowance.

It would greatly benefit the Office if **applicant did not provide copies of papers**, which were previously submitted and/or **a complete copy of the pre-grant publication**, as it unnecessarily increases the cost to the Office. See 37 CFR 1.4(b). A request for corrected publication need only point out what was printed incorrectly in the application, where the error occurs in the publication and where the correct text or drawing is found in the application papers. Marked up relevant copies of the applications papers and the pre-grant publication may facilitate processing of the request, where it is not readily apparent where the error occurs. If it is not clear why the error is a material error, further explanation may be warranted.

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

http://www.uspto.gov/ebc/portal/tutorials.htm

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication" and questions or request for reconsideration of the decision, should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.

Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

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CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON, DC 20044-4300

Mail Date: 05/10/2010

Applicant	: Juergen Filsinger	: DECISION ON REQUEST FOR
Patent Number	: 7597953	: RECALCULATION of PATENT
Issue Date	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/637,131	: OF WYETH
Filed	: 12/12/2006	:
		:

The Patentee's Request for Recalculation is **DISMISSED.**

This Request is deemed ineligible for consideration for one or more of the following reasons:

(A). The patent for which PTA recalculation is requested is either a design or reissue application or is a reexamination proceeding;

(B). The patent for which PTA recalculation is requested resulted from a utility or plant application filed under 35 USC 111(a) before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(C). The patent for which PTA recalculation is requested resulted from an international application in which the international filing date was before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(D). The patent for which PTA recalculation is requested issued on/after March 2, 2010;

(E). The Request for Recalculation was filed more than 180 days after the grant date of the patent and the request was not filed within two months of a dismissal of a request for reconsideration of the of the patent term under 37 CFR 1.705(d);

(F). The Request for Recalculation is not solely limited to USPTO pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A);

or

(G). A civil action was filed pursuant to 35 U.S.C. 154(b)(4)(A)concerning the same patent at issue in this request.

Patentee may file a reply to this decision dismissing the Request for Recalculation. Patentee must file such reply within one month or thirty days, whichever is longer, of the mail date of the decision dismissing the Request for Recalculation. No fee is required if patentee is asserting in the reply that the dismissal for ineligibility is improper.

Patentee should use document code PET.OP if electronically filing a reply to this dismissal. If the USPTO finds that the request was improperly deemed ineligible, the USPTO will mail applicant a recalculation determination.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A). Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154 (b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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PO BOX 747
FALLS CHURCH, VA 22040-0747

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APR 26 2010

OFFICE OF PETITIONS

In re Application of
Eija Koivusalmi, et al.
Application No.: 11/637,139
Filed: December 12, 2006
Attorney Docket No.: 02835-0160PUS3

ON PETITION

This is a decision on the petition, filed April 23, 2010, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on March 30, 2010, cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3204.

The application is being referred to Technology Center AU 1797 for further processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement (IDS).

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/637,143	12/12/2006	Jae Oh Han	103-1048	9142

7590 07/10/2009

STANZIONE & KIM, LLP
919 18TH STREET, N.W.
SUITE 440
WASHINGTON, DC 20006

EXAMINER
BUI, DUNG H

ART UNIT	PAPER NUMBER
1797	

MAIL DATE	DELIVERY MODE
07/10/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Nioni Farmer

Patent Publication Branch
Office of Data Management

Adjustment date: 07/13/2009 NFARMER
12/13/2006 LWONDIM1 00000032 502827 11637143
02 FC:1111 500.00 CR

FORM PET651G (Rev. 08/07)

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BIRCH STEWART KOLASCH & BIRCH
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FALLS CHURCH, VA 22040-0747

Mail Date: 06/30/2010

Applicant	: I-Cheng Chuang	: DECISION ON REQUEST FOR
Patent Number	: 7639479	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/637,158	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/12/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **156** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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AUG 13 2008

In re Application of :
Yoshinobu Takeyama :
Application No. 11/637,172 : ON PETITION
Application Filing Date: December 12, 2006 :
Attorney Docket No. 6153-00008US

This is a decision on the "Petition under 37 CFR 1.182 for Correction of Priority Document" filed January 25, 2007. The petition will be treated as petition under 37 CFR 1.59 to expunge the priority document incorrectly filed in application 11/370,048.

The petition is granted.

Petitioner requests that the certified copy of the priority document JP 2005-359302 filed January 10, 2007, be removed from application 11/370,048 and placed in application 11/637,172. In order to remove the priority document from application 11/370,048 expungement of the document pursuant to 37 CFR 1.59 is required. A review of the application file history reveals that the declaration is not a part of the original disclosure[1] (which would prohibit expungement pursuant to 37 CFR 1.59(a)) and the expungement of document would not result in the application becoming abandoned. The expungement of the certified copy of the priority document JP 2005-359302 filed January 10, 2007, from application 11/370,048 is, therefore, appropriate.

Accordingly, the certified copy of the priority document JP 2005-359302 filed January 10, 2007, will be expunged from the application 11/370,048.

Petitioner is advised that the documents cannot be returned as the original papers were scanned into an electronic file with the hard copies being destroyed thereafter.

It is noted that petition requests that the certified copy of the priority document JP 2005-359302 be placed in application 11/637,172. The undersigned has requested that the appropriate USPTO office place the certified copy of the priority document JP 2005-359302 in application 11/637,172 as per this decision.

[1] It is noted 37 CFR 1.59 explains that the original disclosure includes the specification, claims, drawings, and any preliminary amendment specifically incorporated into an executed oath or declaration under 37 CFR 1.63 and 1.175.

The fee prescribed by 37 CFR 1.59(b) is $200.00. An additional $70.00 will be charged to deposit account 08-0750. See 37 CFR 1.17(g).

Questions concerning this decision may be addressed to the undersigned at (571)272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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Carolyn Lee Dorman, c/o Bill Beaumont
627 South Asaph Street
Alexandria, VA 22314

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APR 01 2010

OFFICE OF PETITIONS

In re Application of	:	
Carolyn Lee Dorman	:	
Application No. 11/637,182	:	DECISION ON PETITION
Filed: December 12, 2006	:	TO WITHDRAW
Attorney Docket No. 70083.0001US01	:	FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent under 37 CFR § 1.36(b) or 37 CFR § 10.40 filed December 30, 2009.

The request is **NOT APPROVED**.

A review of the file record indicates that Joshua B. Goldberg and the attorneys associated with customer number 20529 do not have power of attorney in this patent application nor is there any statement or evidence of record of employment in or otherwise being engaged in the proceedings in this patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

All future communications from the Office will continue to be directed to the below-listed address until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

cc: MERCHANT & GOULD, PC
P.O. BOX 2903
MINNEAPOLIS, MN 55402-0903

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Preti Flaherty
PO Box 9546
One City Center
Portland ME 04112-9546

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JUN 08 2010

OFFICE OF PETITIONS

In re Application of

Kandimalla, et al.

Application No. 11/637,184

Filed: December 12, 2006

Attorney Docket No HYB-005US9

: DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed March 9, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to file a proper response to the final Office action mailed July 22, 2009. The final Office action set a shortened statutory period for reply of three months from its mailing date. A proper response was not received and the application became abandoned on November 23, 2009. Notice of Abandonment was mailed on February 19, 2010.

The Request for Continued Examination filed March 9, 2010, is noted.

The application file is being forwarded to Technology Center 1600, GAU 1648 for further processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
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SAN FRANCISCO CA 94111-3834

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JAN 26 2009

OFFICE OF PETITIONS

In re Application of
Mark A. Johnson
Application No. 11/637,201
Filed: December 11, 2006
Attorney Docket No.: 9923/99

ON PETITION

This is a decision on the petition filed January 8, 2009, under 37 CFR 1.137(b) to revive the above-identified application.

The petition is **GRANTED**.

This application was held abandoned on September 12, 2008 and a Notice of Abandonment was mailed on December 29, 2008, for failure to timely respond to the Final Office Action mailed June 11, 2008.

In response thereof, petitioner has submitted a Request for Continued Examination (RCE) and an amendment as the submission required under 37 CFR 1.114.

This matter is being referred to Technology Center 2856 for processing of the RCE.

Telephone inquiries related to this decision should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/637,201	12/11/2006	Mark A. Johnson	9923/99	8751

20350 7590 02/26/2009
TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

EXAMINER
MILLER, ROSE MARY

ART UNIT	PAPER NUMBER
2856	

MAIL DATE	DELIVERY MODE
02/26/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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In re Application of JOHNSON, MARK A.
Appl. No.: 11/637,201
Filed: December 11, 2006
For: GAS FLUZ SYSTEM CHAMBER DESIGN AND POSITIONING METHOD

DECISION on PETITION
37 CFR 1.48(a)

This decision is in response to the petition filed January 8, 2009 in the above-identified application. The petition seeks to correction inventorship pursuant to 37 CFR 1.48(a).

In view of the papers filed January 8, 2009, it has been found that the patent application, as originally filed, through error and without deceptive intent, improperly set forth the inventorship.

The petition having met all of the requirements of 37 CFR 1.48(a) is granted.

The inventorship in the application has been changed by adding **Andrew G. Ragatz** and **Rex A. Peterson** as joint inventor.

SUMMARY: THE PETITION IS GRANTED.

Hezron E. Williams

Hezron E. Williams,
Supervisory Patent Examiner,
Patent Examining Technology Center 2800

TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
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THE WEBB LAW FIRM, P.C.
700 KOPPERS BUILDING
436 SEVENTH AVENUE
PITTSBURGH, PA 15219

Mail Date: 04/21/2010

Applicant	: Wolfgang Kraft	: DECISION ON REQUEST FOR
Patent Number	: 7617760	: RECALCULATION of PATENT
Issue Date	: 11/17/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/637,212	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/11/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **308** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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FOLEY AND LARDNER LLP,
SUITE 500
3000 K STREET, NW
WASHINGTON, DC 20007

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JAN 1 4 2009

OFFICE OF PETITIONS

In re Application of	:	
Ruth Greferath, et al	:	
Application No. 11/637,213	:	DECISION ON PETITION
Filed: December 11, 2006	:	TO WITHDRAW
Attorney Docket No. 089667-0106	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 19, 2008.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to Foley and Lardner LLP, has been revoked by the assignee of the patent application on December 3, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

Telephone inquires concerning this decision should be directed to undersigned at 571-272- 6735.

Diane Goodwyn
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/637,213	12/11/2006	Ruth Greferath	12593-017-999	9049

20583 7590 08/03/2009
JONES DAY
222 EAST 41ST ST
NEW YORK, NY 10017

EXAMINER
BALLARD, KIMBERLY

ART UNIT	PAPER NUMBER
1649	

MAIL DATE	DELIVERY MODE
08/03/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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JONES DAY
222 EAST 41ST ST
NEW YORK NY 10017

Applicant: Greferath et al.
Appl. No.: 11/637,213
Filing Date: December 11, 2006
Title: MONOCLONAL ANTIBODY
Attorney Docket No.: 12593-017-999
Pub. No.: US 2007/0166311 A1
Pub. Date: July 19, 2007

This is a decision on the request for republication of patent application publication under 37 CFR 1.221(a), filed on July 27, 2009, for the above-identified application.

The request under 37 CFR 1.221(a) is DISMISSED.

37 CFR 1.221(a) requires "a copy of the application in compliance with the Office electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)". If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

The applicant did not supply a copy of the application in compliance with the Office electronic filing system, as required by 37 CFR 1.221(a) because the applicant filed his request in paper rather than via the electronic filing system. The request for republication does not comply with the electronic filing system requirements, thus republication will not take place.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a Pre-Grant publication submission and must include a copy of the application in compliance with the Office electronic filing system requirements. The applicant is directed to the following website for additional instructions on how to submit a Pre-Grant Publication submission via the electronic filing system:

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any questions or requests for reconsideration of the decision should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

By facsimile: 571-273-8300

Telephone inquiries regarding this correspondence should be directed to The Office of Data Management at 571-272-4200.

Tammy J. Kanth

Office of Data Management
United States Patent & Trademark Office

Adjustment date: 08/04/2009 KKING1
07/28/2009 HVUONG1 00000055 503013 11637213
02 FC:1505 300.00 CR

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/637,213	12/11/2006	Ruth Greferath	12593-017-999	9049

20583 7590 08/31/2009
JONES DAY
222 EAST 41ST ST
NEW YORK, NY 10017

EXAMINER
BALLARD, KIMBERLY

ART UNIT	PAPER NUMBER
1649	

MAIL DATE	DELIVERY MODE
08/31/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

JONES DAY
222 EAST 41ST ST
NEW YORK NY 10017

Applicant: Greferath et al.
Appl. No.: 11/637,213
Filing Date: December 11, 2006
Title: MONOCLONAL ANTIBODY
Attorney Docket No.: 12593-017-999
Pub. No.: US 2007/0166311 A1
Pub. Date: July 19, 2007

This is a decision on the second request for republication of patent application publication under 37 CFR 1.221(a), filed on August 27, 2009, for the above-identified application.

The request under 37 CFR 1.221(a) is DISMISSED.

37 CFR 1.221(a) requires "a copy of the application in compliance with the Office electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)". If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

The applicant did not supply a copy of the application in compliance with the Office electronic filing system, as required by 37 CFR 1.221(a) because **the Applicant submitted the papers as a "Document for an existing application", which are entered into the application file, and not as a "Pre-Grant Publication" submission**. The request for republication does not comply with the electronic filing system requirements, thus republication will not take place.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a Pre-Grant publication submission and must include a copy of the application in compliance with the Office electronic filing system requirements. The applicant is directed to the following website for additional instructions on how to submit a Pre-Grant Publication submission via the electronic filing system:

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any questions or requests for reconsideration of the decision should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

By facsimile: 571-273-8300

Telephone inquiries regarding this correspondence should be directed to The Office of Data Management at 571-272-4200.

Office of Data Management
United States Patent & Trademark Office

Adjustment date: 08/31/2009 KKING1
08/27/2009 INTEFSW 00010641 503013 11637213
01 FC:1504 300.00 CR

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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222 EAST 41ST ST
NEW YORK NY 10017

MAILED

JUL 06 2010

OFFICE OF PETITIONS

In re Application
Greferath, et al.
Application No. 11/637,213
Filed: December 11, 2006
Dkt. No.: 12593-001-999

: PATENT TERM ADJUSTMENT

This is in response to the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(b)," filed January 29, 2010.

Applicant submits that the correct patent term adjustment to be indicated on the patent is at least 421 days, not 375 days as calculated by the Office as of the mailing of the initial determination of patent term adjustment. Applicant requests this correction on the basis that the Office will take in excess of three years to issue this patent.

Insofar as the instant application for patent term adjustment requests reconsideration of the patent term adjustment as it relates to the Office's failure to issue the patent within 3 years of the filing date, the application for patent term adjustment under 37 CFR 1.705(b) is DISMISSED as PREMATURE.

Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentee is entitled to for Office failure to issue the patent within 3 years. See, § 1.702(b). (This is true even where a request for continued examination (RCE) was filed). The computer will not undertake the § 1.702(b) calculation until the actual date of issuance of the patent has been determined. Likewise, the computer will not calculate any further Office delay under § 1.702(a)(4) or applicant delay under § 1.704(c)(10) until the actual date of issuance of the patent has been determined. As such, the Office can not make a determination on the correctness of the patent term adjustment until the patent has issued.

Requesting reconsideration of the patent term adjustment to be indicated on the patent based on the initial determination of patent term adjustment and a projected issuance date of the patent (or even the filing date of the request for continued examination) is premature. Accordingly, it is appropriate to dismiss as premature such a request.

Applicant is advised that they may wait until the time of the issuance of the patent and file a request for reconsideration of the patent term adjustment pursuant to 37 CFR 1.705(d). As the USPTO does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time of the issuance of the patent, the Office will consider any request for reconsideration of the

patent term adjustment due to an error in the calculation of 37 CFR 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent. However, as to all other bases for contesting the initial determination of patent term adjustment received with the notice of allowance, applicant must timely file an application for patent term adjustment prior to the payment of the issue fee[1].

The receipt is acknowledged of the required patent term adjustment application fee under 37 CFR 1.705(b) of $200.00. See, 37 CFR 1.18(e).

However, any request for reconsideration of the patent term adjustment indicated on the patent must be timely filed within 2 months after issuance pursuant to 37 CFR 1.705(d) and **must** include payment of the required fee under 37 CFR 1.18(e).

The application file is being forwarded to the Office of Data Management for issuance of the patent. The patent term adjustment indicated on the patent (as shown on the Issue Notification mailed about three weeks prior to patent issuance) will include any additional adjustment accrued both for Office delay in issuing the patent more than four months after payment of the issue fee and satisfaction of all outstanding requirements, and for the Office taking in excess of three years to issue the patent (to the extent that the three-year period does not overlap with periods already accorded).

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Petitions Attorney
Office of Petitions

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[1] For example, if applicant disputes both the calculation of patent term adjustment under 37 CFR 1.702(a)(1) for Office failure to mail a first Office action or notice of allowance not later than fourteen months after the date on which the application was filed and under 37 CFR 1.702(b) for Office failure to issue a patent within three years of the actual filing date of the application, then applicant must still timely file an application for patent term adjustment prior to the payment of the issue fee to contest the calculation of Office delay in issuing a first Office action or notice of allowance. See 37 CFR 1.705(b) and 35 U.S.C. 154(b)(3)(B). A dispute as to the calculation of the §1.702(a)(1) period raised on request for reconsideration of patent term adjustment under 37 CFR 1.705(d) will be dismissed as untimely filed.

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MARJAMA MULDOON BLASIAK & SULLIVAN LLP
250 SOUTH CLINTON STREET
SUITE 300
SYRACUSE, NY 13202

COPY MAILED
MAR 25 2008

In re Application of	:	
Charles P. Barber, et al.	:	
Application No. 11/637,231	:	DECISION GRANTING PETITION
Filed: December 11, 2006	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 283-269.13	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed March 21, 2008, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on January 23, 2008 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries regarding this decision should be directed to undersigned at (571) 272-1642.

This application is being referred to Technology Center AU 2887 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

April M. Wise
Petitions Examiner
Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form* ***must*** *be completed and timely submitted to avoid abandonment of the application.*

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GENERAL MOTORS LLC
LEGAL STAFF
MAIL CODE 482-C23-B21
P O BOX 300
DETROIT, MI 48265-3000

Mail Date: 04/21/2010

Applicant	: Bradley E. De Pottey	: DECISION ON REQUEST FOR
Patent Number	: 7631625	: RECALCULATION of PATENT
Issue Date	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/637,233	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/11/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **346** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY OF COMMERCE AND
COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, DC 20231

8/27/09

Patent No. :7540231
Inventor(s) :Hoffman et al.
Issued : 6/2/2009
Title : CONTROL VALVE DEVICE FOR THE CONTROL OF A CONSUMER
Atty.doc./File No.

Request for Certificates of Correction

Consideration has been given to your request for the issuance of a Certificate of Correction, for the above – identified patent under the provisions of CFR 1.322.

Inspection of the application for the patent reveals item [56] is printed in accordance with the record please show evidence of supporting data. Therefore being no fault on the Patent and Trademark Office, It has no authority to issue a certificate of correction under the provision of 1.322.

In view of the forgoing, your request in this matter, is hereby denied.

Future written correspondence concerning this matter should be filed and directed to Decisions & Certificates of Correction Branch.

Henry Randall
Decisions & Certificates
of Correction Branch
(703) 756-1571

THE WEBB LAW FIRM
700 KOPPERS BUILDING
436 SEVENTH AVENUE
PITTSBURGH, PA 15219

HR

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 11/2/09

TO SPE OF : ART UNIT 3745 Edward D. Look (spe)

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/637235 Patent No.: 7540231

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580

Certificates of Correction Branch
703-756-1571 _____

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- [x] **Approved** — All changes apply.
- [ ] **Approved in Part** — Specify below which changes **do not** apply.
- [ ] **Denied** — State the reasons for denial below.

Comments: _____

Ed Look — SPE

3745 — Art Unit

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20100222

DATE : February 22, 2010

TO SPE OF : ART UNIT 2612

SUBJECT : Request for Certificate of Correction on Patent No.: 7,633,376

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:
Certificates of Correction Branch - ST (South Tower) 9A22
Palm location **7590** - Tel. No. (703) 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance **Certificates of Correction Branch**

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriated box.

☒ **Approved** All changes apply.

☐ **Approved in Part** Specify below which changes **do not** apply.

☐ **Denied** State the reasons for denial below.

Comments:

Changes 1, 2 and 4 merely reinstate subject matter to claims 33, 80 and 120 which was inadvertently omitted by applicant in the final version of the claims submitted on 8/21/09. Change 3 merely corrects a numeral "1" to a capital letter "I" (Office error).

/Daniel Wu/
Supervisory Patent Examiner
AU 2612

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MAILED

OCT 21 2009

OFFICE OF PETITIONS

WALT FROLOFF
273D SEARIDGE RD
APTOS CA 95003

In re Application of	:	
Frank D. Parise	:	
Application No. 11/637,282	:	DECISION ON PETITION
Filed: December 12, 2006	:	
Attorney Docket No. P-Tool	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 28, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an RCE and an amendment; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the final rejection mailed May 2, 2008, is accepted as having been unintentionally delayed.

Petitioner is reminded to note 37 CFR 1.4(c) regarding the filing of papers separately with each distinct subject inquiry.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 3727 for appropriate action by the Examiner in the normal course of business on the reply received July 28, 2009.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

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United States Patent and Trademark Office
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BACHMAN & LAPOINTE, P.C. (P&W)
900 CHAPEL STREET
SUITE 1201
NEW HAVEN, CT 06510-2802

Mail Date: 07/07/2010

Applicant	: William Bogue	: DECISION ON REQUEST FOR
Patent Number	: 7645479	: RECALCULATION of PATENT
Issue Date	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/637,296	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/12/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **153** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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WELLS ST. JOHN P.S.
601 W. FIRST AVENUE, SUITE 1300
SPOKANE, WA 99201

Mail Date: 04/21/2010

Applicant	: Ann K. Liao	: DECISION ON REQUEST FOR
Patent Number	: 7601586	: RECALCULATION of PATENT
Issue Date	: 10/13/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/637,298	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/12/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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345 ENCINAL STREET, P.O. BOX 635
SANTA CRUZ, CA 95060-0635

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OFFICE OF PETITIONS

In re Application of	:	
Alan W. GRATTAN, et al	:	
Application No. 11/637,358	:	DECISION ON PETITION
Filed: December 11, 2006	:	
Attorney Docket No. 01-7377	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 29, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed January 9, 2007. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on March 10, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a signed oath or declaration and the required fee; (2) the petition fee of $1540; and (3) the required statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Diane Goodwyn at (571)272-6735.

This application is being referred to the Office of Patent Application Processing for appropriate action in the normal course of business on the reply received July 29, 2008.

Thurman K Page

Thurman Page
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
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30 ROCKEFELLER PLAZA
44TH FLOOR
NEW YORK, NY 10112-4498

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OFFICE OF PETITIONS

In re Application of
Fenton et al.
Application No. 11/637,363
Filed: December 12, 2006
Attorney Docket No. 072841.0312

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28.

The Office no longer investigates or rejects original or reissue patent under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This patent is no longer entitled to small entity status. Accordingly, all future fees paid in this patent must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-6059.

Alicia Kelley
Petitions Examiner
Office of Petitions

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DUNLAP, CODDING & ROGERS P.C.
PO BOX 16370
OKLAHOMA CITY OK 73113

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OFFICE OF PETITIONS

In re Application of	:	
Maguire, James Q.	:	
Application No. 11/637,386	:	ON PETITION
Filed: December 12, 2006	:	
Attorney Docket No. 4692.009	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed December 12, 2006, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes a declaration from the applicant, which includes the applicant's date-of-birth. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-3206. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This matter is being referred to the Technology Center Art Unit 3676 for action on the merits commensurate with this decision.

Liana Walsh
Petitions Examiner
Office of Petitions

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OKLAHOMA CITY, OK 73113

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OFFICE OF PETITIONS

In re Application of	:	
James Q. Maguire	:	
Application No. 11/637,386	:	ON PETITION
Filed: December 12, 2006	:	
Attorney Docket No. 4692.009	:	

This is a decision on the petition under 37 CFR 1.137(b), filed on November 5, 2007, to revive the above-identified application.

The above application became abandoned for failure to file a response to the non-final Office action mailed April 11, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b), in that, petitioner has supplied (1) the reply in the form of an amendment and terminal disclaimer under 37 CFR 1.321 with the $130 fee; (2) the petition fee of $770; and (3) a proper statement of unintentional delay. Therefore, the petition is **GRANTED**.

The application file is being referred to Technology Center Art Unit 3676, for further review of the amendment filed with the instant petition.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions

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OFFICE OF PETITIONS

EDWARDS ANGELL PALMER & DODGE LLP
P.O. BOX 55874
BOSTON, MA 02205

In re Application of	:	
Harold Chan, et al.	:	DECISION REFUSING STATUS
Application No. 11/637,391	:	UNDER 37 CFR 1.47(a)
Filed: December 12, 2006	:	
Attorney Docket No. 66162(300232)	:	

This is in response to the petition under 37 CFR 1.47(a), filed September 12, 2007.

The petition is DISMISSED.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed on December 12, 2006, without an executed oath or declaration. Accordingly, on February 13, 2007, a Notice to File Missing Parts of Nonprovisional Application was mailed, requiring an executed oath or declaration and a surcharge for its late filing. A two (2) month period for reply was set. In response, on September 12, 2007, the present petition was filed.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor.

The petition lacks item (1).

As to item (1), rule 47 applicant must demonstrate with documented evidence that an inventor refuses to join in the application after having been presented with the application papers

(specification, claims, drawings and oath or declaration). There is no indication herein that joint inventor Joseph Nolan was presented with a copy of the complete application papers for this application. From the evidence of record, it only appears that the joint inventors were presented with a copy of the declaration and power of attorney. If the Mr. Nolan was not presented with a copy of the application papers for this application, then he could not attest that he has "reviewed and understands the application papers" and could not execute the declaration he was requested to sign. Did Mr. Nolan receive a copy of the application papers? The fact that an application may contain proprietary information does not relieve the rule 47 applicant of the responsibility to present the application papers to the joint inventor if Mr. Noland is willing to receive the papers in order to sign the oath or declaration. Unless petitioner can show that a copy of the application papers was presented to Mr. Nolan, then petitioner will have to mail a copy of the complete application papers (specification, claims and drawings) to the last known address of the joint inventor, return receipt requested. A cover letter of instructions should accompany the mailing of the application papers setting a deadline or a statement that no response will constitute a refusal. This sort of ultimatum lends support to a finding of refusal by conduct. **The proof of the pertinent events should be made by a statement of someone with firsthand knowledge of the events and should include documentary evidence, such as certified mail return receipt, cover letter of instructions, telegram, etc.** *See* MPEP 409.03(d).

Where there is an express or oral refusal, that fact, along with the time and place of the refusal, must be stated in an affidavit or declaration **by the party to whom the refusal was made.** Where there is a written refusal, a copy of the document(s) evidencing that refusal must be made part of the affidavit or declaration.

When it is concluded by the rule 47 applicant that an omitted inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in an affidavit or declaration. If there is documentary evidence to support facts alleged in the affidavit or declaration, such evidence must be submitted.

Whenever an omitted inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the affidavit or declaration.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Telephone inquiries should be directed to the undersigned at (571) 272-3204.

Sherry D. Brinkley

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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GENZYME CORPORATION
LEGAL DEPARTMENT
15 PLEASANT ST CONNECTOR
FRAMINGHAM MA 01701-9322

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OFFICE OF PETITIONS

In re Application of	:	
Harold Chan, et al.	:	DECISION NOTING JOINDER OF
Application No. 11/637,391	:	INVENTOR AND PETITION
Filed: December 12, 2006	:	UNDER 37 CFR 1.47(a)
Attorney Docket No. 5129	:	

Papers filed on March 26, 2008 in response to a "Decision Refusing Status Under 37 CFR 1.47(a)," mailed February 22, 2008, included a Declaration signed by a previously non-signing inventor, Joseph Nolan, in compliance with 37 CFR 1.63.

The petition is **DISMISSED AS MOOT**.

In view of the joinder of the inventor, further consideration under § 1.47(a) is not necessary. This application does not have any Rule 1.47 status and no such status should appear on the record for this file. This application need not be returned to this Office for any further consideration under 37 CFR 1.47(a).

This application is being referred to Technology Center AU 3721 for further prosecution.

Telephone inquiries should be directed to the undersigned at (571) 272-3204.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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UNITED STATES DEPARTMENT OF COMMERCE
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PVF -- SYNOPSYS, INC
c/o PARK, VAUGHAN & FLEMING LLP
2820 FIFTH STREET
DAVIS, CA 95618-7759

Mail Date: 04/21/2010

Applicant	: Zong Wu Tang	: DECISION ON REQUEST FOR
Patent Number	: 7584450	: RECALCULATION of PATENT
Issue Date	: 09/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/637,424	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/12/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **288** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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OFFICE OF PETITIONS

In re Application of	:	
Doris Klee, et al.	:	
Application No. 11/637,431	:	DECISION ON PETITION
Filed: December 12, 2006	:	TO WITHDRAW
Attorney Docket No. 480052000510	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 23, 2008.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Morrison & Foerster, LLP has been revoked by the assignee of the patent application on May 16, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to undersigned at 571-272-1642.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

cc: TODD W. WRIGHT
RUTAN & TUCKER, LLP
611 ANTON BOULEVARD
SUITE 1400
COSTA MESA, CA 92626-1931

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J. BENNET MULLINAX, LLC
P.O. Box 26029
Greenville, SC 29616-1029

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OFFICE OF PETITIONS

In re Application of	:	
Juan Guillermo Kippes	:	
Application No. 11/637,451	:	DECISION ON PETITION
Filed: December 12, 2006	:	TO WITHDRAW
Attorney Docket No. MEM-2	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 7, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Neal P. Pierotti on behalf of all attorneys of record. All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor Juan Guillermo Kippes at the address indicated below.

There is an outstanding Office action mailed July 9, 2009 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to Terri Johnson at 571-272-2991.

Terri Johnson
Petitions Examiner
Office of Petitions

cc: **Juan Guillermo Kippes**
Diego Palma 555
San Isidro, Buenos Aires,
Argentina

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/637,451	12/12/2006	Juan Guillermo Kippes	MEM-2

CONFIRMATION NO. 1362

POWER OF ATTORNEY NOTICE

44728
J. BENNETT MULLINAX, LLC
P. O. BOX 26029
GREENVILLE, SC 29616-1029

OC000000039113143

Date Mailed: 12/07/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/07/2009.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/tsjohnson/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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4417 LANCASTER PIKE
WILMINGTON DE 19805

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In re Application of	:	
Yu et al.	:	
Application No. 11/637, 453	:	DECISION ON PETITION
Filed: December 12, 2006	:	
Attorney Docket No. UC0450USDIV	:	

This is a decision on the petition, filed August 25, 2008, which is being treated as a petition under 37 CFR 1.8(b), requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to timely respond to the Office action of January 16, 2008, which set a three (3) month shortened statutory period for reply. Accordingly, a reply was due on or before April 16, 2008.

Petitioner states that a timely reply was mailed via certificate of mailing on January 16, 2008, which included the following papers: amendment and claims. Petitioner has submitted a copy of the previously mailed correspondence, which bears a certificate of transmission, dated April 11, 2008, which would have rendered the reply timely if received. Petitioner has also submitted a copy of the Auto-Reply Facsimile Transmission and a copy of the sending unit's report.

The file record does not include the originally submitted papers. Failure to receive correspondence which includes a certificate of mailing or certificate of facsimile transmission is addressed in 37 CFR 1.8(b), reproduced below:

> In the event that correspondence is considered timely filed by being mailed or transmitted in accordance with paragraph (a) of this section, but not received in the U.S. Patent and Trademark Office after a reasonable amount of time has elapsed from the time of mailing or transmitting of the correspondence, or after the application is held to be abandoned, or after the proceeding is dismissed, terminated, or decided with prejudice, the correspondence will be considered timely if the party who forwarded such correspondence:

(1) Informs the Office of the previous mailing or transmission of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence;

(2) Supplies an additional copy of the previously mailed or transmitted correspondence and certificate; and

(3) Includes a statement which attests on a personal knowledge basis or to the satisfaction of the Director to the previous timely mailing or transmission. If the correspondence was sent by facsimile transmission, a copy of the sending unit's report confirming transmission may be used to support this statement.

The petition satisfies the above requirements of 37 CFR 1.8(b). Accordingly, the holding of abandonment for failure to timely file a reply to the Office action of January 16, 2008 is hereby withdrawn and the application restored to pending status.

The copy of the reply received with the petition will be accepted in place of the reply shown to have been mailed (or transmitted by facsimile) on April 11, 2008.

This application is being referred to Technology Center AU 2818 for appropriate action in the normal course of business on the reply received with petition.

Charlema Grant

Charlema Grant
Petitions Attorney
Office of Petitions

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BRETT J. TROUT, PC
516 WALNUT
DES MOINES IA 50309

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OFFICE OF PETITIONS

In re Application of	:	
David W. Perkins	:	
Application No. 11/637,456	:	DECISION ON PETITION
Filed: December 12, 2006	:	
Title: Collapsible Bulk Container	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 21, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed August 25, 2009, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on November 26, 2009. A Notice of Abandonment was mailed March 12, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Amendment, (2) the petition fee of $810.00, and (3) an adequate statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

This application is being referred to Technology Center AU 3781 for appropriate action by the Examiner in the normal course of business on the reply received.

Joan Olszewski
Petitions Examiner
Office of Petitions

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KENYON & KENYON
One Broadway
New York, NY 10004

Mail Date: 04/21/2010

Applicant	: Hans-Gunter Wobker	: DECISION ON REQUEST FOR
Patent Number	: 7658221	: RECALCULATION of PATENT
Issue Date	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/637,460	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/11/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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OFFICE OF PETITIONS

FRED ZOLLINGER III
P.O. BOX 2368
NORTH CANTON OH 44720

In re Application of

ROZAKIS, et al.
Application No. 11/637,475
Filed: December 11, 2006
Attorney Docket No. **HO-P03482US1**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 18, 2007.

The request is **APPROVED.**

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Fred H. Zollinger III, the sole attorney of record. Fred H. Zollinger III has been withdrawn as attorney of record. Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7253.

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **GEORGE W. ROZAKIS**
17886 BEACHWOOD ROAD
LAKEWOOD, OH 44107

cc: **JOHN E. SCHNEIDER**
FULBRIGHT & JAWORSKI
1301 MCKINNEY – FULBRIGHT TOWER
HOUSTON, TX 77010-3095

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FRED ZOLLINGER III
P.O. BOX 2368
NORTH CANTON, OH 44720

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OFFICE OF PETITIONS

In re Application of	:	
George W. ROZAKIS, et al	:	
Application No. 11/637,475	:	DECISION ON PETITION
Filed: December 11, 2006	:	TO WITHDRAW
Attorney Docket No. GR00910CUSD	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 13, 2009.

The request is **NOT APPROVED.**

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request cannot be approved because there is no indication that the acts noted above have been performed.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6735.

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: JOHN E. SCHNEIDER,
FULBRIGHT & JAWORSKI
1301 MCKINNEY
HOUSTON, TX 77010-3095

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ROHM AND HAAS COMPANY
PATENT DEPARTMENT
100 INDEPENDENCE MALL WEST
PHILADELPHIA PA 19106-2399

MAILED

MAY 26 2009

OFFICE OF PETITIONS

In re Application of	:	
Alderfer, et al.	:	
Application No. 11/637,490	:	DECISION ON PETITION
Filed: December 12, 2006	:	UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. A01798	:	

This is a decision on the "REQUEST TO ACCEPT UNINTENTIONALLY DELAYED CLAIM UNDER 35 U.S.C. §120 FOR THE BENEFIT OF A PRIOR-FILED APPLICATION", filed March 2, 2009, which is being treated as a petition under 37 CFR 1.78(a)(6), to accept an unintentionally delayed claim under 35 U.S.C. §119(e) for the benefit of the prior-filed provisional application no. 60/750,161 set forth in the concurrently filed Amendment.

The petition is **GRANTED.**

A petition under 37 CFR 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after expiration of the period specified in 37 CFR 1.78(a)(5)(ii) and must be filed during the pendency of the nonprovisional application. In addition, the petition must be accompanied by:

(1) the reference required by 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(5)(i) to the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 119(e) is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR 1.78(a)(6) should not be construed as meaning that this application is entitled

to the benefit of the prior-filed application. In order for this application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

The petition fee of $1,410 has been charged to Deposit Account No. 18-1850, as authorized.

Any inquiries concerning this decision may be directed to Petitions Attorney Cliff Congo at (571) 272-3207. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to Group Art Unit 1796 for examination.

Anthony Knight
Supervisor
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/637,490	12/12/2006	1796	1000	A01798	12	1

CONFIRMATION NO. 2158

CORRECTED FILING RECEIPT

21898
ROHM AND HAAS COMPANY
PATENT DEPARTMENT
100 INDEPENDENCE MALL WEST
PHILADELPHIA, PA 19106-2399

OC000000036140351

Date Mailed: 05/26/2009

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Keith Allen Alderfer, Lansdale, PA;
Gary William Dombrowski, West Chester, PA;
John Charles Halligan, Oreland, PA;
Kenneth Lennon JR., Quakertown, PA;

Power of Attorney: The patent practitioners associated with Customer Number 21898

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/750,161 12/13/2005

Foreign Applications

If Required, Foreign Filing License Granted: 02/09/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/637,490**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Polymer composition

Preliminary Class

525

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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NEW YORK, NEW YORK 10022-4611

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JUL 14 2008

OFFICE OF PETITIONS

Applicant: Kamakura et al.
Appl. No.: 11/637,504
Filing Date: December 11, 2006
Title: TEMPERATURE CHARECTERISTIC INSPECTION DEVICE
Attorney Docket No.: 14804-013001
Pub. No.: US 2007/0132470 A1
Pub. Date: June 14, 2007

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on August 6, 2007, for the above-identified application

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains a material error on the front page of the application wherein two of the inventors' names Andou and Mititsuji have been omitted.

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. [1]

The instant request does not identify a material mistake in the publication made by the office. The application was published with the inventive entity provided in the first filed executed declaration submitted by Applicants' representative on December 11, 2006. The substitute declaration submitted on May 8, 2007 is improper. Applicant must file a petition under 37 CFR 1.48 to change the inventorship. See MPEP 201.03.

[1] Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

Applicant is reminded of his duty to conduct a reasonable inquiry before filing a paper before the Office. See MPEP 410.

Applicant's request for a Corrected Publication on August 6, 2008, may constitute a "failure to engage in reasonable efforts to conclude processing or examination of the application." See 1.704(c). This determination will be made on or after a mailing of a Notice of Allowance.

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system and questions or request for reconsideration of the decision, should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

By facsimile: 571-273-8300

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.

Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

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MINTZ, LEVIN, COHN, FERRIS, GLOVSKY & POPEO, P.C.
ONE FINANCIAL CENTER
BOSTON, MA 02111

Mail Date: 04/21/2010

Applicant	: Ingo Deck	: DECISION ON REQUEST FOR
Patent Number	: 7620637	: RECALCULATION of PATENT
Issue Date	: 11/17/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/637,530	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/12/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **387** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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SUITE 2850
200 WEST ADAMS STREET
CHICAGO IL 60606

MAILED

MAY 29 2009

OFFICE OF PETITIONS

In re Application of	:	
Satoshi Murakami, et al.	:	
Application No. 11/637,537	:	DECISION GRANTING PETITION
Filed: December 12, 2006	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 0553-0384.01	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed May 28, 2009, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on May 8, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to Terri Williams at (571) 272-2991.

This application is being referred to Technology Center AU 2889 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

Terri Williams

Terri Williams
Petitions Examiner
Office of Petitions

---

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form* ***must*** *be completed and timely submitted to avoid abandonment of the application.*

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FEB 26 2010

OFFICE OF PETITIONS

BRIAN STEINBERGER/UCF
101 BREVARD AVENUE
COCOA FL 32922

In re Application of	:	
Nazim Z. MURADOV, et al	:	
Application No. 11/637,552	:	DECISION ON PETITION
Filed: December 12, 2006	:	
Attorney Docket No. UCF-610	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 17, 2009, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue fee on or before November 30, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed August 28, 2009. Accordingly, the date of abandonment of this application is December 1, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the Issue Fee of $755; (2) the petition fee of $810; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

This application is being referred to the Office of Data Management for processing into a patent.

/DCG/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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DAVID S. DOLBERG
2163 MEEKER AVENUE
SUITE# 116
RICHMOND CA 94804

MAILED

DEC 07 2009

OFFICE OF PETITIONS

In re Application of	:	
Kim Lee Sim, et al.	:	
Application No. 11/637,567	:	DECISION ON PETITION
Filed: December 11, 2006	:	
Attorney Docket No. PP 779	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 7, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, December 4, 2008, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on March 5, 2009. The Notice of Abandonment was mailed July 2, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of $810, and (3) a proper statement of unintentional delay.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 1645 for appropriate action by the Examiner in the normal course of business on the reply received

Terri Johnson
Petitions Examiner
Office of Petitions

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United States Patent and Trademark Office
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MORRISS OBRYANT COMPAGNI, P.C.
734 EAST 200 SOUTH
SALT LAKE CITY, UT 84102

Mail Date: 07/26/2010

Applicant	: Tracy W. Nelson	: DECISION ON REQUEST FOR
Patent Number	: 7661572	: RECALCULATION of PATENT
Issue Date	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/637,606	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/12/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **188** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 6/24/10 **Paper No.:** —

TO SPE OF : ART UNIT 1656

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/637632 Patent No.: 7666441 B2

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580

Virginia Tolbert
Certificates of Correction Branch
571-272-0460

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

- ☑ **Approved** — All changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments: _____

Mary Mattis AU 1656

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Schwegman, Lundberg & Woessner, P.A.
P.O. Box 2938
Minneapolis, MN 55402

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SEP 29 2008

In re Application of	:	
David W. Osborne	:	
Application No. 11/637,645	:	DECISION ON PETITION
Filed: December 12, 2006	:	TO WITHDRAW
Attorney Docket No. 1195.346US2	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 16, 2008.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Karen L. Himmel on behalf of all attorneys of record. All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

There is no outstanding Office action at this time.

Telephone inquiries concerning this decision should be directed to Terri Williams at 571-272-2991.

Terri Williams
Petitions Examiner
Office of Petitions

cc: **David W. Osborne**
2601 Jewelstone Court
Ft. Collins, CO 80525

cc: **John Wurst Senior Patent Counsel**
Allergan, Inc.
2525 Dupont Drive
Irvine, CA 92612-1599

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/637,645	12/12/2006	David W. Osborne	1195.346US2

CONFIRMATION NO. 1682

POWER OF ATTORNEY NOTICE

21186
SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. BOX 2938
MINNEAPOLIS, MN 55402

OC000000032313906

Date Mailed: 09/29/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/16/2008.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/tswilliams/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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MACMILLAN, SOBANSKI & TODD, LLC
ONE MARITIME PLAZA - FIFTH FLOOR
720 WATER STREET
TOLEDO OH 43604

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JAN 27 2010

OFFICE OF PETITIONS

In re Application of	:	
Gooden et al.	:	
Application No. 11/637,653	:	ON PETITION
Filed: December 12, 2006	:	
Attorney Docket No. 81151159	:	

This is a decision on the petition being treated under 37 C.F.R. § 1.182, filed October 9, 2009, to change the name of two inventors.

The petition is **GRANTED.**

The name will be changed from Jim T. Gooden to James T. Gooden.

The name will be changed from Norm J. Bird to Norman J. Bird.

The petition fee of $400.00 will be charged to petitioner's deposit account as authorized October 9, 2009.

Telephone inquiries regarding this decision should be directed to Joan Olszewski at (571) 272-7751. All other inquiries should be directed to the Technology Center.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

Enclosure: Corrected Filing Receipt

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United States Patent and Trademark Office
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
11/637,653	12/12/2006	3655	1130	81151159	14	3

CONFIRMATION NO. 9972

CORRECTED FILING RECEIPT

28866
MACMILLAN, SOBANSKI & TODD, LLC
ONE MARITIME PLAZA - FIFTH FLOOR
720 WATER STREET
TOLEDO, OH 43604

OC000000039888968

Date Mailed: 01/27/2010

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

James T. Gooden, Canton, MI;
Norman J. Bird, Plymouth, MI;
Ernest R. Shedd, Plymouth, MI;
John W. Kimes, Wayne, MI;

Power of Attorney: The patent practitioners associated with Customer Number 28866

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 01/08/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/637,653**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Apparatus for directing fluid along a flow path in a motor vehicle transmission

Preliminary Class

192

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON, DC 20044-4300

Mail Date: 07/07/2010

Applicant	: Masaya Oita	: DECISION ON REQUEST FOR
Patent Number	: 7639298	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/637,666	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/13/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **598** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/637,676	12/13/2006	Hwa-seok Seong	52789	1493

7590 03/11/2009
ROYLANCE, ABRAMS, BERDO & GOODMAN, L.L.P.
1300 19TH STREET, N.W.
SUITE 600
WASHINGTON,, DC 20036

EXAMINER
DASTOURI, MEHRDAD

ART UNIT	PAPER NUMBER
2621	

MAIL DATE	DELIVERY MODE
03/11/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Nioni Farmer

Patent Publication Branch
Office of Data Management

Refund Ref:
03/13/2009 NFARMER 0000166479

CHECK Refund Total: $1150.00

Adjustment date: 03/13/2009 NFARMER
12/14/2006 MWOLDGE1 00000048 11637676
02 FC:1111 -500.00 OP
04 FC:1202 -650.00 OP

FORM PET651G (Rev. 08/07)

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BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA, VA 22314-1176

Mail Date: 05/19/2010

Applicant	: Margaret W. Frey	: DECISION ON REQUEST FOR
Patent Number	: 7618702	: RECALCULATION of PATENT
Issue Date	: 11/17/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/637,745	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/13/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **346** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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VENABLE LLP
P.O. BOX 34385
WASHINGTON, DC 20043-9998

Mail Date: 04/21/2010

Applicant	: Ho Youb Cho	: DECISION ON REQUEST FOR
Patent Number	: 7580306	: RECALCULATION of PATENT
Issue Date	: 08/25/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/637,758	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/13/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **43** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

Mail Date: 07/01/2010

Applicant	: Mark A. Stevens	: DECISION ON REQUEST FOR
Patent Number	: 7645972	: RECALCULATION of PATENT
Issue Date	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/637,787	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/13/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **20** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/637,800	12/13/2006	Chun-Ying Chen	1875.8850001	2097

49579 7590 11/26/2008
STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.
1100 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER
MAI, LAM T

ART UNIT	PAPER NUMBER
2819	

MAIL DATE	DELIVERY MODE
11/26/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Sterne, Kessler, Goldstein & Fox LLC
1100 New York Avenue, N.W.
Washington, DC 20005

In re Application of al.	:	
Application No. 11/637,800	:	NOTICE OF WITHDRAWAL
Filed: 12/13/2006	:	FROM ISSUE
Attorney Docket No. 1875.8850001	:	UNDER 37 CFR ∋ 1.313
	:	

The purpose of this communication is to inform you that the above-identified application is being withdrawn from issue pursuant to 37 CFR 1.313.

The above-identified application is hereby withdrawn from issue. The Notice of Allowance and Issue Fee Due and the Notice of Allowability mailed 10/21/2008, are hereby vacated.

The application is being withdrawn from issue to permit reopening of prosecution. The reasons therefor will be communicated to you by the examiner.

The issue fee is refundable upon request. However, the applicant may wait until the application is either again found allowable or held abandoned. If the application is allowed, upon receipt of a new Notice of Allowance and Issue Fee Due, applicant may request that the previously submitted issue fee be applied toward payment of the issue fee in the amount identified on the new Notice of Allowance and Issue Fee Due. If the application is abandoned, the applicant may request either a refund or a credit to a Deposit Account.

Telephone inquires should be directed to Rexford Barnie, Supervisory Patent Examiner, Art Unit 2819, at (571) 272-7492.

The above-identified application is being forwarded to the examiner for prompt appropriate action.

John Cabeca, Director, Actrs
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

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BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA, VA 22314-1176

Mail Date: 05/11/2010

Applicant	: Chih-Wei Chen	: DECISION ON REQUEST FOR
Patent Number	: 7617413	: RECALCULATION of PATENT
Issue Date	: 11/10/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/637,806	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/13/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **405** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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DIW Jul-10

Muncy, Geissler, Olds & Lowe, PLLC
4000 Legato Road
Suite 310
FAIRFAX VA 22033

MAILED
JUL 19 2010
OFFICE OF PETITIONS

In re Application of:
CHUN-HEN LIN
Application No. 11/637,874
Filed: December 13, 2006
Attorney Docket No. BHT/3126-656

DECISION ON PETITION

This is a decision on the petition filed on May 7, 2010, under 37 CFR 1.137(b),[1] to revive the above-identified application.

The petition is GRANTED.

This application became abandoned for failure to timely pay the issue fees on or before March 31, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed December 31, 2008. Accordingly, the date of abandonment of this application is April 1, 2009. On April 30, 2009, a Notice of Abandonment was mailed.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the publication and issue fee in the amount of $1055, (2) the petition fee of $810; and (3) a proper statement of unintentional delay. Accordingly, the reply to

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[1] Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional utility or plant application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continuing examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Director may required additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

the Notice of Allowance and Fee(s) Due of December 31, 2008, is accepted as having been unintentionally delayed.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay.[2] In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

This application is being referred to the Office of Data Management for processing into a patent.

Telephone inquiries concerning this matter may be directed to the undersigned at (571)272-3231.

DWood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

CC: MUNCY, GEISSLER, OLDS & LOWE, PLLC
PO BOX 1364
FAIRFAX, VA 22038-1364

---

[2] See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1208 Off. Gaz. Pat. Office 63, 103 (October 21, 1997).

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OFFICE OF PETITIONS

NEXSEN PRUET, LLC
PO DRAWER 2426
COLUMBIA SC 29202-2426

In re Application of	:	
Emmet Elziver Willard et al.	:	
Application No. 11/637,903	:	DECISION ON PETITION
Filed: December 13, 2006	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 39421-01	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed December 13, 2006, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement from the applicant declaring that he is 65 years of age or older. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Terri Williams at 571-272-2991.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3673 for action on the merits commensurate with this decision.

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

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TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

Mail Date: 04/23/2010

Applicant	: Tariq Rahman	: DECISION ON REQUEST FOR
Patent Number	: 7632216	: RECALCULATION of PATENT
Issue Date	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/637,942	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/13/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **181** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

COPY MAILED

APR 0 8 2009

OFFICE OF PETITIONS

In re Application of :
Tomoaki **NAKAMURA** :
Application No. 11/637,975 : DECISION GRANTING PETITION
Filed: December 13, 2006 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **9319A-001991** :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed April 6, 2009, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on February 27, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 2872 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

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[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form* ***must*** *be completed and timely submitted to avoid abandonment of the application.*

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TOWNSEND AND TOWNSEND AND CRES, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834

MAILED

AUG 12 2009

OFFICE OF PETITIONS

In re Application of	:	
Toyohiro Nomoto et al	:	
Application No. 11/638,011	:	DECISION GRANTING PETITION
Filed: December 12, 2006	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 16869S-115210US	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed August 10, 2009, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on August 7, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 2162 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS.

/Karen Creasy/
Karen Creasy
Petitions Examiner
Office of Petitions

---

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form* ***must*** *be completed and timely submitted to avoid abandonment of the application.*

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HITACHI GLOBAL STORAGE TECHNOLOGIES, INC.
5600 COTTLE ROAD, NHGB/0142
IP DEPARTMENT
SAN JOSE, CA 95193

Mail Date: 04/22/2010

Applicant	: Tomohisa Okada	: DECISION ON REQUEST FOR
Patent Number	: 7605993	: RECALCULATION of PATENT
Issue Date	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/638,015	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/12/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **484** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

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K & A Associates
1407 Foothill Boulevard, Suite 233
La Verne, CA 91750

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APR 07 2008

OFFICE OF PETITIONS

In re Application of	:	
Lawrence M. Logsdon	:	
Application No. 11/638,017	:	DECISION ON PETITION
Filed: December 13, 2006	:	TO WITHDRAW
Attorney Docket No. 1100-6006	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed March 12, 2008.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Kenneth W. Float on behalf of all attorneys/agents of record. All attorneys/agents of record have been withdrawn.

The correspondence address has been changed and is copied below.

Applicant is reminded that there is no attorney of record at this time.

Telephone inquires concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Lawrence M. Logsdon
Tropical Functional Labs
7111 Arlington Avenue
Ste. F
Riverside, CA 92503

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United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/638,017	12/13/2006	Lawrence M. Logsdon	1100-6006

CONFIRMATION NO. 2489

POWER OF ATTORNEY NOTICE

K&A Associates
1407 Foothill Blvd., Suite 233
La Verne, CA 91750

OC000000029263733

Date Mailed: 04/04/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/12/2008.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/kainabinet/

Office of Initial Patent Examination (571) 272-4000 or 1-800-PTO-9199

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STOUT, UXA, BUYAN & MULLINS LLP
4 VENTURE, SUITE 300
IRVINE, CA 92618

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OFFICE OF PETITIONS

In re Application of	:	
Richard Brun	:	
Application No. 11/638,051	:	DECISION ON PETITION
Filed: December 12, 2006	:	TO WITHDRAW
Attorney Docket No. BRU001	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 10, 2008.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Stout, Uxa, Buyan & Mullins, LLP has been revoked by the applicant of the patent application on July 7, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to undersigned at 571-272- 1642.

/April M. Wise/
April M. Wise
Petitions Examiner
Office of Petitions

cc: AVERILL & VARN
8244 PAINTER AVENUE
WHITTIER, CA 90602

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/638,051	12/12/2006	Richard Brun	138/110

CONFIRMATION NO. 2648

POA ACCEPTANCE LETTER

27612
AVERILL & VARN
8244 PAINTER AVE.
WHITTIER, CA 90602

OC000000032764163

Date Mailed: 10/23/2008

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/07/2008.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/amwise/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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BACHMAN & LAPOINTE, P.C.
900 CHAPEL STREET
SUITE 1201
NEW HAVEN, CT 06510

Mail Date: 06/17/2010

Applicant	: Hiroshi Usui	: DECISION ON REQUEST FOR
Patent Number	: 7633776	: RECALCULATION of PATENT
Issue Date	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/638,086	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/13/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **266** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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Paper No.

INNOVATION MANAGEMENT SCIENCES
P. O. BOX 1169
LOS ALTOS CA 94023-1169

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OFFICE OF PETITIONS

In re Application of
Zhang Young et al.
Application No. 11/638,088
Filed: December 13, 2006
Attorney Docket Number: WWW-022-999
Title: METHOD AND SYSTEM FOR FILTERINGTERING IMAGES IN VIDEO CODING

DECISION ON PETITION PURSUANT TO 37 C.F.R. § 1.137(B)

This is a decision on the petition pursuant to 37 C.F.R. § 1.137(b), filed September 12, 2007, to revive the above-identified application.

This petition pursuant to 37 C.F.R. § 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Missing Parts (notice), mailed January 9, 2007, which set a shortened statutory period for reply of two months. No response was received, and no extensions of time under the provisions of 37 C.F.R. § 1.136(a) were requested. Accordingly, the above-identified application became abandoned on March 10, 2007.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by:

(1) The reply required to the outstanding Office action or notice, unless previously filed;
(2) The petition fee as set forth in 37 C.F.R. § 1.17(m);

(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
(4) Any terminal disclaimer (and fee as set forth in 37 C.F.R. § 1.20(d)) required pursuant to paragraph (d) of this section.

With this petition, Petitioner has submitted the petition, filing, examination, and search fees, along with the proper statement of unintentional delay and the fee associated with the late submission of the filing, search, or examination fees. A terminal disclaimer is not required.

As such, the first three requirements of Rule 1.137(b) have been met. The fourth requirement is not applicable.

The Office of Patent Application Processing (OPAP) will be notified of this decision so that the application may receive further processing.

The general phone number for OPAP is 571-272-4000. Telephone inquiries **regarding this decision** should be directed to the undersigned at (571) 272-3225[1].

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

---

1 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.

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SLATER & MATSIL LLP
17950 PRESTON ROAD
SUITE 1000
DALLAS TX 75252

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OFFICE OF PETITIONS

In re Application of	:	
Kuzmenka et al.	:	
Application No.: 11/638089	:	DECISION ON
Filing or 371(c) Date: 12/13/2006	:	PETITION
Attorney Docket Number: 2005 P 53660 US	:	

This is a decision in response to the "Petition to Revive Application for Patent Abandoned Unavoidably Under 37 CFR 1.137(a), filed August 13, 2007.

This Petition is hereby **dismissed**.

Any further petition must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under [insert the applicable code section]." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

Background

The above-identified application became abandoned for failure to timely and properly reply to the Notice to File Missing parts of Nonprovisional Application ("Notice"), mailed January 9, 2007. The Notice set a two (2) month period for reply. Extensions of time were available under 37 CFR 1.136(a). No reply having been received, the application became abandoned on March 10, 2007. The mailing of this Decision precedes the mailing of a Notice of Abandonment.

The present petition

Applicant files the present petition and asserts that the Notice was not received until a copy of the Filing Receipt was retrieved by Applicant from the Patent Application Information and Retrieval ("PAIR") system. Thereafter applicant requested a copy of the Notice, and this Office subsequently sent a copy of the Notice to Applicant via facsimile. In support of this assertion, Applicant files affidavits of Applicant's Docket Clerk, Ms. Kristy Engeldahl, Applicant's Legal Assistant, Ms. Natalie D. Swider, and Applicant's Paralegal Assistant, Ms. Michelle Reyes.

A Grantable Petition Under 37 CFR 1.137(a)

A grantable petition to revive an abandoned application under 37 CFR 1.137(a) must be accompanied by: (**1**) the required reply (unless previously filed), which may met by the filing of a notice of appeal and the requisite fee; a continuing application; an amendment or request for reconsideration which *prima facie* places the application in condition for allowance, or a first or second submission under 37 CFR 1.129(a) if the application has been pending for at least two years as of June 8, 1995, taking into account any reference made in such application to any earlier filed application under 35 USC 120, 121 and 365(c); (**2**) the petition fee as set forth in 37 CFR 1.17(l); (**3**) a showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and (**4**) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c). Applicant lacks item (**3**).

As to item (**3**), a showing of non-receipt of an Office communication may form the basis for revival of an application based upon unavoidable delay.

Applicable Law, Rules and MPEP

The MPEP 711.03(c)A, provides in relevant part:

> The showing required to establish nonreceipt of an Office communication must include
>
> (1) a statement from the practitioner stating that the Office communication was not received by the practitioner
>
> (2) a statement from the practitioner attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received.
>
> (3) a copy of the docket record where the nonreceived Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

MPEP 711.03(c)

Analysis

Applicant has failed to demonstrate that the office action was not received. In addition to the statement from practitioner, and from the docket clerk, attesting to non-receipt of the Notice, Applicant must provide a copy of the file jacket and docket records where the nonreceived Notice would have been entered had it been received and docketed. The petition is dismissed without prejudice. Applicant should file a Request for Reconsideration of Petition and include the necessary statements and/or copies of docket records and file jacket.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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SLATER & MATSIL LLP
17950 PRESTON ROAD
SUITE 1000
DALLAS TX 75252

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OFFICE OF PETITIONS

In re Application of	:	
Kuzmenka et al.	:	
Application No.: 11/638089	:	DECISION ON
Filing or 371(c) Date: 12/13/2006	:	PETITION
Attorney Docket Number: 2005 P 53660 US	:	

This is a decision in response to the "Renewed Petition Under 37 CFR 1.137(a)," filed October 17, 2007.

This Petition is hereby **granted**.

Background

The above-identified application became abandoned for failure to timely and properly reply to the Notice to File Missing parts of Nonprovisional Application ("Notice"), mailed January 9, 2007. The Notice set a two (2) month period for reply. Extensions of time were available under 37 CFR 1.136(a). No reply having been received, the application became abandoned on March 10, 2007. The mailing of this Decision precedes the mailing of a Notice of Abandonment.

The August 13, 2007 petition

Applicant filed a petition August 13, 2007, and asserted that the delay was unavoidable because the Office action was not received.

The petition was dismissed in a Decision mailed September 7, 2007, because no copy of the docket records were located in the application file. The Decision dismissing the petition informed Applicant that in order to demonstrate non-receipt of an Office action, the showing required to establish non-receipt of an Office communication must include

> (1) a statement from the practitioner stating that the Office communication was not received by the practitioner
>
> (2) a statement from the practitioner attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received.

(3) a copy of the docket record where the nonreceived Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

MPEP 711.03(c)

The present renewed petition

Applicant files the present renewed petition and satisfied the required showing. Applicant has demonstrated non-receipt of the Notice by a preponderance of the evidence. Accordingly, the petition is granted.

Applicant filed a reply to the Notice on August 13, 2007. Receipt of the oath/declaration and filing; search; examination fees, and late filing oath or declaration surcharge is hereby acknowledged.

The application will be referred to the Office of Patent Application Processing for continued processing in due course.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

Derek L. Woods
Attorney
Office of Petitions

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WOLF GREENFIELD & SACKS, P.C.
600 ATLANTIC AVENUE
BOSTON, MA 02210-2206

Mail Date: 04/21/2010

Applicant	: Vikas Prabhakar	: DECISION ON REQUEST FOR
Patent Number	: 7592152	: RECALCULATION of PATENT
Issue Date	: 09/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/638,094	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/13/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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FISH & RICHARDSON PC
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

Mail Date: 04/20/2010

Applicant	: Ka-Lo Yeh	: DECISION ON REQUEST FOR
Patent Number	: 7601977	: RECALCULATION of PATENT
Issue Date	: 10/13/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/638,100	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/13/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **350** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/638,101	12/12/2006	Michel Mueller	15258F-069900US	1346

20350 7590 12/18/2009
TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

EXAMINER
MUROMOTO JR, ROBERT H

ART UNIT	PAPER NUMBER
3765	

MAIL DATE	DELIVERY MODE
12/18/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834

In re Application of: MUELLER, MICHEL Serial No. 11/638,101 Filed: Dec. 12, 2006 Docket: 15258F-069900US Title: CLOTH DRAW-OFF APPARATUS	DECISION ON PETITION UNDER 37 CFR § 1.181

This is a decision on the petition filed December 15, 2009 under 37 CFR 1.181 requesting withdrawal of the finality of the last Office action mailed November 13, 2009.

The petition is **Granted.**

In finding petitioner's points of argument persuasive, the requested relief is granted. The finality of the last Office action mailed November 13, 2009 is hereby withdrawn. The Office action mailed on November 13, 2009 has been designated as non-final Office action.

The period to respond to the last Office action of May 29, 2008 remains unchanged. Since the finality is being withdrawn, any amendment responding to the Office action dated November 13, 2009 will be treated as a 37 CFR § 1.111 amendment.

Any questions regarding this decision should be directed to Special Program Examiner, Henry Yuen, at 571-272-4856.

PETITION GRANTED

Donald T. Hajec, Director
Technology Center 3700

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Commissioner for Patents
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BARNARD INTELLECTUAL PROPERTY LAW, INC.
P.O. BOX 58888
SEATTLE WA 98138-1888

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NOV 29 2007

OFFICE OF PETITIONS

In re Application of	:	
Rhee et al.	:	
Application No. 11/638,135	:	DECISION ON PETITION
Filed: December 12, 2006	:	
Title: APPARATUS AND METHOD FOR HANDLING PARTICULATE MATERIAL	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 5, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the applicant's signature and the late surcharge, (2) the petition fee, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

This matter is being referred to the Office of Initial Patent Examination for further processing.

Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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FEB 19 2008

OFFICE OF PETITIONS

CHRISTIE, PARKER & HALE, LLP
PO BOX 7068
PASADENA, CA 91109-7068

In re Application of	:
Truog, et al.	:
Application No. 11/638,196	: DECISION ON PETITION
Filed: December 12, 2006	: UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 58953/A23	:

This is a decision on the petition under 37 CFR 1.78(a)(3), filed May 1, 2007, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional application 10/457,791 set forth in the amendment filed with the petition.

The petition is **DISMISSED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

The petition does not satisfy item (1) above.

The reference to add the above-noted, prior-filed application on page one following the first sentence of the specification is not acceptable as drafted since it improperly incorporates by reference non-provisional application 10/457,791. An incorporation by reference statement added after an application's filing date is not effective because no new matter can be added to an application after its filing date (*see* 35 U.S.C. § 132(a)). If an incorporation by reference statement is included in an amendment to the specification to add a benefit claim under 35 U.S.C. § 120 after the filing date of the application, the amendment would not be proper. When a benefit claim under 35 U.S.C. § 120 is submitted after the filing of an application,

the reference to the prior application cannot include an incorporation by reference statement of the prior application. *See* Dart Industries v. Banner, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980). *Note* MPEP §§ 201.06(c) and 608.04(b).

Before the petition under 37 CFR § 1.78(a)(3) can be granted, a renewed petition and either an Application Data Sheet or an amendment (complying with the provisions of 37 CFR 1.121 and 37 CFR 1.76(b)(5)) to correct the above matter is required.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Any questions concerning this decision may be directed to Kenya A. McLaughlin, Petitions Attorney, at (571) 272-3222.

Anthony Knight
Supervisor
Office of Petitions

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Caven & Aghevli LLC
c/o CPA Global
P.O. BOX 52050
MINNEAPOLIS, MN 55402

Mail Date: 07/29/2010

Applicant	: Eric DeHaemer	: DECISION ON REQUEST FOR
Patent Number	: 7657724	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/638,222	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/13/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **360** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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WELLS ST. JOHN P.S.
601 W. FIRST AVENUE, SUITE 1300
SPOKANE, WA 99201

Mail Date: 04/21/2010

Applicant	: Russell A. Benson	: DECISION ON REQUEST FOR
Patent Number	: 7648872	: RECALCULATION of PATENT
Issue Date	: 01/19/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/638,223	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/11/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **469** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

Mail Date: 04/21/2010

Applicant	: Tsutomu Usui	: DECISION ON REQUEST FOR
Patent Number	: 7590348	: RECALCULATION of PATENT
Issue Date	: 09/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/638,243	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/12/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **263** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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HEAD, JOHNSON & KACHIGIAN
228 W 17TH PLACE
TULSA, OK 74119

Mail Date: 04/21/2010

Applicant	: Klaus Manfred Steinich	: DECISION ON REQUEST FOR
Patent Number	: 7610684	: RECALCULATION of PATENT
Issue Date	: 11/03/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/638,264	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/13/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **533** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : April 2, 2010

TO SPE OF : ART UNIT 2627 - SPE.

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/638,271 Patent No.: 7,675,717 B2

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square Building
2800 South Randolph Street
Arlington, VA 22206

Should the changes in the claim 22 dependency change as requested by applicant be approved? See COCIN dated 03-23-2010

Antonio Johnson

_____
Certificates of Correction Branch
(571)272-0483

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

xApproved	**All** changes apply.
☐ **Approved in Part**	Specify below which changes **do not** apply.
☐ **Denied**	State the reasons for denial below.

Comments: _____

_____

_____

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

/Hoa Thi Nguyen/

SPE Hoa Thi Nguyen
Art Unit 2627

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HOWREY LLP-CA
C/O IP DOCKETING DEPARTMENT
2941 FAIRVIEW PARK DRIVE, SUITE 200
FALLS CHURCH, VA 22042-2924

Mail Date: 04/21/2010

Applicant	: Hung-Ming Wu	: DECISION ON REQUEST FOR
Patent Number	: 7645750	: RECALCULATION of PATENT
Issue Date	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/638,282	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/13/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **3** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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WOLF GREENFIELD & SACKS, P.C.
600 ATLANTIC AVENUE
BOSTON, MA 02210-2206

Mail Date: 05/21/2010

Applicant	: Vikas Prabhakar	: DECISION ON REQUEST FOR
Patent Number	: 7662604	: RECALCULATION of PATENT
Issue Date	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/638,287	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/13/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **87** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/638,291	12/12/2006	Dae-Ho Choo	AB-1907 US	2518

7590 04/10/2009

Haynes and Boone, LLP
IP Section
2323 Victory Avenue
SUITE 700
Dallas, TX 75219

EXAMINER
SHALWALA, BIPIN H

ART UNIT	PAPER NUMBER
2629	

MAIL DATE	DELIVERY MODE
04/10/2009	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Nicole Farmer

Patent Publication Branch
Office of Data Management

Adjustment date: 04/10/2009 NFARMER
12/15/2006 ADEMESS1 00000014 502257 11638291
02 FC:1111 500.00 CR
04 FC:1202 50.00 CR

FORM PET651G (Rev. 08/07)

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Silicon Valley Patent Group LLP
Attn: SYNOPSYS
18805 Cox Avenue
Suite 220
Saratoga, CA 95070

Mail Date: 04/21/2010

Applicant	: Lin Huang	: DECISION ON REQUEST FOR
Patent Number	: 7657850	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/638,292	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/12/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **195** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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GARDERE WYNNE SEWELL LLP
INTELLECTUAL PROPERTY SECTION
3000 THANKSGIVING TOWER
1601 ELM ST
DALLAS TX 75201-4761

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OFFICE OF PETITIONS

In re Application of
Nitin Agarwal et al.
Application No. 11/638,306
Filed: December 12, 2006
Attorney Docket No. **364476-25USPX**

ON PETITION

This is a decision on the petition to withdraw the holding of abandonment, filed February 23, 2009, which is treated under 37 CFR 1.181, in accordance with the reasoning of the decision in Delgar Inc. v. Schuyler, 172 USPQ 513.

The petition under 37 CFR 1.181 is **GRANTED**.

This application became abandoned for failure to pay the issue fee on or before January 20, 2009 as was required by the Notice of Allowance mailed October 20, 2008. This application therefore became abandoned on January 21, 2009. Accordingly, a Notice of Abandonment was mailed February 12, 2009.

Petitioner claims that the Notice of Allowance was not received because a previously filed Change of Address was not processed.

A review of the file reveals however that an address change was filed on August 4, 2008 but that the information was not updated prior to the mailing of the Notice of Allowance and Notice of Allowability on October 20, 2008. Thus, the Notice of Allowance and Notice of Allowability was mailed to the wrong address and as petitioners claim, not received.

In view of the above, no petition fees are due and none have been charged.

The Notice of Abandonment is withdrawn and this matter is being referred to Technology Center 2817 for a re-mailing of the Notice of Allowance and Notice of Allowability.

Telephone inquiries concerning this matter should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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GARDERE WYNNE SEWELL LLP
INTELLECTUAL PROPERTY SECTION
3000 THANKSGIVING TOWER
1601 ELM ST
DALLAS, TX 75201-4761

Mail Date: 04/21/2010

Applicant	: Nitin Agarwal	: DECISION ON REQUEST FOR
Patent Number	: 7598816	: RECALCULATION of PATENT
Issue Date	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/638,306	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/12/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **114** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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LADAS & PARRY LLP
26 WEST 61 STREET
NEW YORK, NY 10023

MAILED

MAY 21 2009

OFFICE OF PETITIONS

In re Application of :
Kang Tae Kim et al :
Application No. 11/638,313 : ON PETITION
Filed: December 13, 2006 :
Attorney Docket No. U 016611-5

This is a decision on the petition, filed May 20, 2009 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on April 20, 2009 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 3612 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

---

[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

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KENYON & KENYON
SUITE 600
333 W. SAN CARLOS STREET
SAN JOSE, CA 95110-2711

COPY MAILED

MAR 2 1 2008

OFFICE OF PETITIONS

In re Application of :
Sailesh B. KOTTAPALLI :
Application No. 11/638,315 :
Filed: December 12, 2006 :
Attorney Docket No. Intel 2207/1012202 :

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 31, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application mailed April 02, 2007. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on June 05, 2007.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of the required fees and oath or declaration; (2) the petition fee of $1540.00; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice to File Missing Parts of Nonprovisional Application of April 02, 2007 is accepted as having been unintentionally delayed.

37 CFR 1.137(b)(3) requires a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." Since the statement appearing in the petition varies from the language required by 37 CFR 1.137(b)(3), the statement is being construed as the required statement. Petitioner must notify the Office if this is **not** a correct reading of the statement appearing in the petition.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4231.

The application is being referred to the Office of Initial Patent Examination.

Michelle R. Eason

Michelle R. Eason
Paralegal Specialist
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Alison B. Weisberg
1701 Market Street
Philadelphia PA 19103

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FEB 14 2008

OFFICE OF PETITIONS

In re Application of	:	
KARL GROSSMAN	:	
Application No. 11/638,341	:	DECISION ON PETITION
Filed: 12/13/2006	:	
Attorney Docket No. 018638-5079	:	

This is a decision on the "PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT BASED ON TIMELY FILING OF RESPONSE TO MISSING PARTS PURSUANT TO 37 C.F.R. § 1.181," filed November 20, 2007.

The petition is GRANTED.

This application was held abandoned for failure to timely respond to the Notice to File Missing Parts of Nonprovisional Application, mailed on January 18, 2007, which set a two-month extendable period for reply. Accordingly, a reply was due on or before March 18, 2007. In the absence of a timely reply, the Office mailed a Notice of Abandonment on November 15, 2007.

Petitioner stated that a timely reply in the form of a Combined Declaration and Power of Attorney was mailed via certificate of mailing on February 6, 2007. Petitioner submitted a copy of the previously mailed reply, accompanied by a signed, one page certification entitled "Response to Notice to File Missing Parts of Nonprovisional Application," which identified the correspondence that was being deposited in the U.S. Postal Service as first class mail on February 6, 2007.

The file record does not include the original reply in the form of a Combined Declaration and Power of Attorney. Failure to receive correspondence which includes a certificate of mailing or certificate of facsimile transmission is addressed in 37 CFR 1.8(b), reproduced below:

> In the event that correspondence is considered timely filed by being mailed or transmitted in accordance with paragraph (a) of this section, but not received in the U.S. Patent and Trademark Office after a reasonable amount of time has elapsed from the time of mailing or transmitting of the correspondence, or after the application is held to be abandoned, or after the proceeding is

dismissed, terminated, or decided with prejudice, the correspondence will be considered timely if the party who forwarded such correspondence:

(1) Informs the Office of the previous mailing or transmission of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence;

(2) Supplies an additional copy of the previously mailed or transmitted correspondence and certificate; and

(3) Includes a statement which attests on a personal knowledge basis or to the satisfaction of the Director to the previous timely mailing or transmission. If the correspondence was sent by facsimile transmission, a copy of the sending unit's report confirming transmission may be used to support this statement.

The petition satisfies the above requirements of 37 CFR 1.8(b). Accordingly, the holding of abandonment for failure to timely file a reply to the Notice to File Missing Parts of Nonprovisional Application is hereby withdrawn and the application restored to pending status.

The copy of the reply received with the petition will be accepted in place of the reply shown to have been mailed on February 6, 2007.

This application is being referred to Technology Center AU 3692 for appropriate action in the normal course of business on the reply received with petition.

Telephone inquires specific to this decision may be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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JJGJR.: 09-07

Paper No: __

VENABLE LLP
P.O. BOX 34385
WASHINGTON DC 20043-9998

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SEP 27 2007

OFFICE OF PETITIONS

In re Application of	:	
Schmitz	:	
Application No. 11/638,346	:	DECISION
Receipt/Filing Date: 14 December, 2006	:	
Attorney Docket No. 32368-238714	:	

This is a decision on the petition filed on 5 March, 2007, and considered herein under 37 C.F.R. §1.53.

NOTE: The Office regrets the delay in addressing this matter, however, the instant petition was presented to the attorneys in the Office of Petitions only at this writing.[1]

The instant petition is **GRANTED**.

BACKGROUND

The instant application was deposited on 14 December, 2006

On 11 January, 2007, the Office of Initial Patent Examination (OIPE) mailed a Notice of Incomplete Nonprovisional Application (the Notice) stating that that the application had not been accorded a filing date because it had been deposited without drawings as required under 35 U.S.C. 113 (first sentence).

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[1] **NOTE: Monitoring of the status of applications on PAIR can inform one's management of application responses and provide an indication when mailings of Office actions should be expected. Status Inquiries filed at three (3) or four (4) month intervals provide a demonstration of diligence and attention in supporting a petition seeking relief under 37 C.F.R. §1.181.**

OIPE indicated that Petitioner might:

- contend via petition that the drawings were submitted, or that they were not necessary for a filing date; or
- submit the drawings and accept the date of submission as the filing date.

OIPE set a two- (2-) month period for reply.

On 5 March, 2007, Petitioner submitted the instant petition, including therewith, *inter alia*, what is averred to be a true copy of the date-stamped ("121406") receipt card (see: MPEP §503[2]), which lists, *inter alia*, "Submission of Formal Drawing Transmittal with (sic) (3 sheets, Figs, 1, 2, 2a, 3 and 4)"; further, Petitioner sought a 14 December, 2006, filing date and averred that 3 sheets of drawings, as described in the specification, were submitted; and included with the petition what are averred to be true copies of the three drawings/figures, as described in the specification, in question.

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[2] MPEP §503 provides in pertinent part:

§503 Application Number and Filing Receipt

* * *

A return postcard should be attached to *each* patent application for which a receipt is desired. It is important that the return postcard itemize all of the components of the application. If the postcard does not itemize each of the components of the application, it will not serve as evidence that any component which was not itemized was received by the United States Patent and Trademark Office (USPTO). It should be recognized that the identification of an application by application number does not necessarily signify that the USPTO has accepted the application as complete (37 C.F.R. §1.53(a)).

* * *

RETURN POSTCARD

If a receipt of any item (e.g., paper or fee) filed in the USPTO is desired, it may be obtained by enclosing with the paper a self-addressed postcard specifically identifying the item. The USPTO will stamp the receipt date on the postcard and place it in the outgoing mail. A postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO.

The identifying data on the postcard should be so complete as to clearly identify the item for which receipt is requested. For example, the postcard should identify the applicant's name, application number (if known), confirmation number (if known), filing date, interference number, title of the invention, etc. The postcard should also identify the type of paper being filed, e.g., new application, affidavit, amendment, notice of appeal, appeal brief, drawings, fees, motions, supplemental oath or declaration, petition, etc., and the number of pages being submitted. If a new application is being filed, all parts of the application being submitted should be separately listed on the postcard, e.g., the number of pages of specification (including written description, claims and abstract), number of claims, number of sheets of drawings, number of pages of oath/declaration, number of pages of cover sheet (provisional application).

The postcard receipt will not serve as *prima facie* evidence of receipt of any item which is not adequately itemized on the postcard. For example, merely listing on the postcard "a complete application" or "patent application" will not serve as a proper receipt for each of the required components of an application (e.g., specification (including claims), drawings (if necessary), oath or declaration and the application filing fee) or missing portions (e.g., pages, sheets of drawings) of an application if one of the components or portion of a component is found to be missing by the USPTO. Each separate component should be specifically and properly itemized on the postcard. Furthermore, merely incorporating by reference in the postcard receipt, the items listed in a transmittal letter will not serve as *prima facie* evidence of receipt of those items.

The person receiving the item(s) in the USPTO will check the listing on the postcard against the item(s) being filed to be sure they are properly identified and that all the items listed on the postcard are presently being submitted to the USPTO. If any of the items listed on the postcard are not being submitted to the USPTO, those items will be crossed off and the post-card initialed by the person receiving the items. Upon return of a postcard receipt from the USPTO, the postcard receipt should be promptly reviewed by the person who filed the items to ensure that every item specifically denoted on the postcard was received by the USPTO. If the postcard receipt has been annotated to indicate that a particular item denoted on the postcard was not received by the USPTO, the postcard receipt will not serve as *prima facie* evidence of receipt of that item in the USPTO. (Emphasis supplied.)

A person identifying herself as one calling from Petitioner's office apparently called about this matter on 24 September, 2007, however, the person calling acknowledged that she was neither Counsel of Record nor one registered to practice before the Office–and so was unfamiliar with both the file and the Rules of Practice.

Petitioner is reminded that discussions of applications are not held with persons who are neither Applicants nor registered practitioners–and such discussions should not be encouraged or enabled by Petitioner's office.

ANALYSIS

A search of the official file reveals that:

- on 14 December, 2006, Petitioner deposited the instant application;
- the time-stamped receipt evidences three sheets of drawings containing Figs. 1, 2, 2a, 3 and 4.

Because Petitioner's receipt card adequately reflects the contents of the application as to the drawings, it is concluded that the application, including three sheets of drawings, as described in the specification, was deposited with the Office on 14 December, 2006, and the three sheets of drawings, as described in the specification, subsequently were misplaced in the Office.

Accordingly, the application, including 3 sheets of drawings, as described in the specification, is entitled to a filing date of 14 December, 2006.

The Notice mailed on 11 January, 2007, was sent in error and is hereby **vacated** to the extent that it stated that the application was filed omitting drawings, specifically 3 sheets of drawings, as described in the specification, and that the application was not to be accorded a filing date.

CONCLUSION

The petition is **granted** and the petition fee waived.

This application is released to OIPE for further processing with a filing date of 14 December, 2006, for the entire application with pages 1 - 16 of the specification (description, claims, abstract), and 3 sheets of drawings, as described in the specification, using:

- **pages 1 - 16 of the specification (description, claims, abstract) deposited on 14**

December, 2006; and

- **and 3 sheets of drawings, as described in the specification deposited on 5 March, 2007; and further**

with direction to OIPE to correct Office records and provide to Petitioner a corrected filing receipt setting forth a filing date of 14 December, 2006, and reflecting therein that 16 pages of specification (description, claims, abstract) and 3 sheets of drawings were present on filing.

While telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214, it is noted that all practice before the Office is in writing (see: 37 C.F.R. §1.2[3]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

John J. Gillon, Jr.
Senior Attorney
Office of Petitions

[3] The regulations at 37 C.F.R. §1.2 provide:
§1.2 Business to be transacted in writing.
All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Date : May 28, 2008

Patent No. :7,326,061
Inventor(s) :Tonglong ZHANG
Issued :February 5, 2008
Title :VIA PROVIDING MULTIPLE ELECTRICALLY CONDUCTIVE PATHS

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule 1.322 and 1.323.

An error on a patent can be corrected by a certificate of correction, if appropriate. Accordingly, a petition under C.F.R. 1.182 is required to correct the alleged error concerning the inventor's names and addresses. Since this information is printed solely in accordance with the typewritten information provided on the Declaration, Oath or ADS, and since the error was the result of applicant's failure to comply with the requirement that the complete and correct information be provided accordingly, no correction is in order here under the provisions of Rules 1.322 or 1.323, unless a petition is granted.

However, a petition under 37 CFR 1.182 should be directed to the attention of the Assistant Commissioner for Patents using the following mailing address or FAX number.

By Mail: Commissioner of Patents and Trademarks
Box PETITIONS
Washington, D.C. 20231

By FAX: (703) 308-6916
Attn: Office of Petitions

If the petition under 37 CFR 1.182 is filed and granted the patentee would be entitled to a certificate of correction under 37 CFR 1.323 (required fee currently $100).

Any telephone inquiry concerning this communication should be directed to Ms. A. Green at (703) 308-9380 ext. 123.

Mary Diggs, Supervisor
Decisions & Certificates
of Correction Branch
(703) 308-9390 or (703) 308-9390 Ext. 123

Robert Sokohl
1100 New York Avenue
N.W. Washington DC 2005-3934

/arg

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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www.uspto.gov

MORGAN LEWIS & BOCKIUS LLP
1111 PENNSYLVANIA AVENUE NW
WASHINGTON DC 20004

MAILED

JUN 24 2010

OFFICE OF PETITIONS

In re Application of	:	
Hyun Jin So	:	
Application No. 11/638,441	:	DECISION GRANTING PETITION
Filed: December 14, 2006	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 041501-5669	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed June 23, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on May21, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 2629 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS.

/Karen Creasy/
Karen Creasy
Petitions Examiner
Office of Petitions

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[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

UNITED STATES PATENT AND TRADEMARK OFFICE

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JUL 2 4 2008
DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

WENDEROTH, LIND & PONACK L.L.P.
2033 K. STREET, NW
SUITE 800
WASHINGTON DC 20006

In re Application of NINOMIYA, MASAKO Application No. 11/638,446 Filed: December 14, 2006 Attorney Docket No. 2006_2134	: : : : : : :	DECISION ON REQUEST TO PARTICIPATE IN PATENT PROSECUTION HIGHWAY PROGRAM AND PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102(d)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed July 3, 2008, to make the above-identified application special.

The request and petition are **DISMISSED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition is deficient as follows:

Petitioner has not complied with item 2 above in that although a translation of the claims has been submitted, the petition fails to include a copy of the actual allowable/patentable claims and from the JPO application.

Applicant is given a time period of **ONE MONTH or THIRTY DAYS**, whichever is longer, from the mailing date of this decision to correct the deficiencies. **NO EXTENSION OF TIME UNDER 37 CFR 1.136 IS PERMITTED.** If the deficiencies are not corrected with the time period given, the application will await action in its regular turn.

Any response must be submitted via EFS-web.

Telephone inquiries concerning this decision should be directed to Kenneth Wieder at 571-272-2986.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

Kenneth A. Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MAIL

OCT 10 2008

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

WENDEROTH, LIND & PONACK L.L.P.
2033 K. STREET, NW
SUITE 800
WASHINGTON DC 20006

In re Application of	:	
NINOMIYO, MASAKO	:	DECISION ON REQUEST TO
Application No. 11/638,446	:	PARTICIPATE IN PATENT
Filed: December 14, 2006	:	PROSECUTION HIGHWAY
Attorney Docket No. 2006_2134	:	PROGRAM AND PETITION
	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(d)

This is a decision on the request for reconsideration to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(d), filed August 22, 2008, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO;
(2) Applicant must submit a copy of the allowable/patentable claim(s) from the JPO application(s) along with an English translation thereof and a statement that the English translation is accurate;
(3) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s);
(4) Examination of the U.S. application has not begun;
(5) Applicant must submit a copy of all the office actions from each of the JPO application(s) containing the allowable/patentable claim(s) along with an English translation thereof and a statement that the English translation is accurate;
(6) Applicant must submit an IDS listing the documents cited by the JPO examiner in the JPO office action along with copies of documents except U.S. patents or U.S. patent application publications; and
(7) The required petition fee under 37 CFR 1.17(h).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Kenneth Wieder at 571-272-2986.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Kenneth Wieder
Quality Assurance Specialist
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
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ROYLANCE, ABRAMS, BERDO & GOODMAN, L.L.P.
1300 19TH STREET, N.W.
SUITE 600
WASHINGTON,, DC 20036

Mail Date: 04/21/2010

Applicant	: Saburo Yokota	: DECISION ON REQUEST FOR
Patent Number	: 7622232	: RECALCULATION of PATENT
Issue Date	: 11/24/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/638,456	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/14/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **413** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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THE HONG KONG POLYTECHNIC UNIVERSITY
1800 DIAGONAL ROAD/MAILBOX #119, SUITE 600
ALEXANDRIA, VA 22314

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SEP 30 2008

OFFICE OF PETITIONS

In re Application of :
KWOK, et al. :
Application No. 11/638,482 :
Filed: December 14, 2006 :
Attorney Docket No. IP-351A :

DECISION ON PETITION TO WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 21, 2008.

The request is NOT APPROVED.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The Office cannot approve the request at this time since the reasons provided do not meet any of the conditions under the mandatory or permissive categories enumerated in 37 CFR 10.40. Section 10.40 of Title 37 of the Code of Federal Regulation states, "[a] practitioner shall not withdraw from employment in a proceeding before the Office without permission from the Office[.]" More specifically, 37 CFR 10.40 states, "[i]f paragraph (b) of this section is not applicable, a practitioner may not request permission to withdraw in matter pending before the Office unless such request or such withdrawal is" for one the permissive reasons listed in 37 CFR 10.40(c). The reason set forth in the request "currently leaving employment position of which I was in-house patent attorney" does not meet any of the conditions set forth in 37 CFR 10.40.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7253.

Monica A. Graves
Petitions Examiner
Office of Petitions

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ATTN: MAQUITA WONG
THE HONG KONG POLYTECHNIC UNIVERSITY
SUITE 600, MAILBOX #119
1800 DIAGONAL ROAD
ALEXANDRIA VA 22314

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OFFICE OF PETITIONS

In re Application of	:	
KWOK, Siu K. et al.	:	
Application No. 11/638,504	:	DECISION ON PETITION
Filed: December 14, 2006	:	TO WITHDRAW
Attorney Docket No. **IP-352A**	:	FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 21, 2008.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Robert Dewitty, the sole attorney of record. Robert Dewitty has been withdrawn as attorney or agent of record.

All future correspondence will be directed to the first named inventor Siu Kwok at the address indicated below.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **SIU KEUNG KWOK**
THE HONG KONG POLYTECHNIC UNIVERSITY
HUNG HOM, KOWLOON
HONG KONG
CHINA

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ATTN: Maquita Wong
The Hong Kong Polytechnic University
Suite 600, Mailbox #119
1800 Diagonal Road
Alexandria VA 22314

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OFFICE OF PETITIONS

In re Application of	:	
Yi Li, et al.	:	
Application No. 11/638,505	:	DECISION ON PETITION
Filed: December 14, 2006	:	TO WITHDRAW
Attorney Docket No. IP-356A	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 21, 2008.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The Office cannot approve the request at this time since the reasons provided do not meet any of the conditions under the mandatory or permissive categories enumerated in 37 CFR 10.40. Section 10.40 of Title 37 of the Code of Federal Regulation states, "[a] practitioner shall not withdraw from employment in a proceeding before the Office without permission from the Office[.]" More specifically, 37 CFR 10.40 states, "[i]f paragraph (b) of this section is not applicable, a practitioner may not request permission to withdraw in matter pending before the Office unless such request or such withdrawal is" for one the permissive reasons listed in 37 CFR 10.40(c). The reasons set forth in the request, ***currently leaving employment position of which I was in-house patent attorney***, do not meet any the conditions set forth in 37 CFR 10.40.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Terri Williams at 571-272- 2991.

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

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INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON, DC 20044-4300

Mail Date: 04/28/2010

Applicant	: Stefan Walz	: DECISION ON REQUEST FOR
Patent Number	: 7632328	: RECALCULATION of PATENT
Issue Date	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/638,529	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/14/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **331** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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DICKSTEIN SHAPIRO LLP
1825 EYE STREET NW
Washington, DC 20006-5403

Mail Date: 06/18/2010

Applicant	: Thomas Tiano	: DECISION ON REQUEST FOR
Patent Number	: 7632762	: RECALCULATION of PATENT
Issue Date	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/638,571	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/14/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **57** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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OFFICE OF PETITIONS

THE NATH LAW GROUP
112 SOUTH WEST STREET
ALEXANDRIA VA 22314

In re Application of	:	
Bryan W. EICHHORN, et al	:	
Application No. 11/638,572	:	DECISION ON PETITION
Filed: December 14, 2006	:	TO WITHDRAW
Attorney Docket No. 70072.0007USU1	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) filed January 12, 2010.

The request is **NOT APPROVED**.

The Office will no longer approve requests from practitioners to withdraw from applications where the requesting practitioner is acting, or has acted, in a representative capacity pursuant to 37 CFR 1.34. In these situations, the practitioner is responsible for the correspondence the practitioner files in the application while acting in a representative capacity. As such, there is no need for the practitioner to obtain the Office's permission to withdraw from representation. However, practitioners acting in a representative capacity, like practitioners who have a power of attorney in the application, remain responsible for noncompliance with 37 CFR 1.56, as well as 37 CFR 10.18, with respect to documents they file.

A review of the file record indicates that Joshua B. Goldberg does not have power of attorney in this patent application. See 37 C.F.R. § 10.40. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

All future communications from the Office will continue to be directed to the above-identified address until otherwise properly notified by the applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-6735.

/Diane Goodwyn/
Diane Goodwyn
Petitions Examiner
Office of Petitions

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RESTON VA 20195

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OFFICE OF PETITIONS

In re Application of	:	
Englund et al.	:	DECISION ON PETITION
Application No. 11/638,583	:	TO WITHDRAW
Filed: December 14, 2006	:	FROM RECORD
Attorney Docket No. 10400S-000018/US	:	

This is a decision on the request to withdraw as attorney of record under 37 C.F.R. § 1.36, filed July 13, 2009.

The request is **NOT APPROVED**.

The Request for Withdrawal as Attorney or Agent and Change of Correspondence Address submitted on July 13, 2009 is hereby not accepted. Petitioner has not complied with current USPTO requirements, as set forth in 37 CFR 10.40 concerning Request for Withdrawal as Attorney and Change of Correspondence Address. Specifically, pursuant to 37 CFR 10.40, the Office will require the practitioner(s) to certify that he, she or they have:

> (1) given reasonable notice to the client, prior to the expiration of the reply period, that the practitioner(s) intends to withdraw from employment;
>
> (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and
>
> (3) notified the client of any replies that may be due and the time frame within which the client must respond.

Petitioner has not complied with item (2) of the above certifications.

Additionally, the Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71,* or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

> *An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.*

According to a review of current USPTO records petitioner has not recognized a proper recorded assignee concerning the above-identified application or the first listed inventor. As such, all future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant. Further, the address given on the petition differs from the address of record. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Currently, there is no outstanding Office action that requires a reply.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-7751.

Joan Olszewski
Petitions Examiner
Office of Petitions

cc: John A. Castellano
11730 Plaza America Drive, Suite 600
Reston VA 20190

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JAMES RAY & ASSOCIATES
2640 PITCAIRN ROAD
MONROEVILLE PA 15146

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AUG 1 3 2007

OFFICE OF PETITIONS

In re Application of	:	
LAUFFER, Cecil	:	
Application No. 11/638,608	:	DECISION ON PETITION
Filed: December 13, 2006	:	TO MAKE SPECIAL UNDER
Attorney Docket No. **CL 06265**	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed December 13, 2006, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a copy of a birth certificate as evidence that Cecil Lauffer is over 65 years of age. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Michelle R. Eason at 571-272-4231.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3751 for action on the merits commensurate with this decision.

T. Williams
Terri Williams
Petitions Examiner
Office of Petitions

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CONNOLLY BOVE LODGE & HUTZ, LLP
P.O. BOX 2207
WILMINGTON DE 19899

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JAN 05 2010

In re Application of	:	
Miller et al.	:	DECISION ON PETITION
Application No. 11/638,625	:	TO WITHDRAW
Filed: December 13, 2006	:	FROM RECORD
Attorney Docket No. HCS-009	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 2, 2009.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that on December 15, 2009 the power of attorney to Connolly Bove Lodge & Hutz, LLP was revoked by the assignee of the patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272- 7751. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Joan Olszewski

Joan Olszewski
Petitions Examiner
Office of Petitions

cc: GOODWIN PROCTER LLP
PATENT ADMINISTRATOR
53 STATE STREET
EXCHANGE PLACE
BOSTON MA 02109-2881

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DUNLAP, CODDING & ROGERS P.C.
PO BOX 16370
OKLAHOMA CITY OK 73113

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OFFICE OF PETITIONS

In re Application of	:	
Bor-Jier Shiau	:	
Application Number: 11/054582	:	
Filing Date: 02/09/2005	:	DECISION ON PETITION
Attorney Docket Number:	:	
7683.006	:	

This is a decision on the "PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT PURSUANT TO 37 CFR § 1.137(b)," filed on 17 April, 2007, which is treated as a petition under 37 CFR 1.137(b)[1] to revive the above-identified application.

DUNLAP, CODDING & ROGERS, P.C.
AUG 13 2007

The petition is **GRANTED**.

This application became abandoned on 28 August, 2006, for failure to file a timely appeal brief in response to the Notice of Appeal filed on 27 June, 2006, which set a two (2) month shortened period for reply. No extensions of the time for reply were filed in accordance with 37 CFR 1.136(a). Notice of Abandonment was mailed on 24 January, 2007.

Petitioner states that a continuation application has been filed. As such, the subject petition will be treated as a request to

---

[1] Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may required additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

revive the instant application for copendency with a continuation application. A review of Office PALM records reveals that continuation application No. 11/638,628 was filed on 13 December, 2006.

Since this application is revived for purposes of continuity only with continuing Application No. 11/638,628, filed on 13 December, 2006, and since continuity has been established by this decision reviving the application, the application is again abandoned in favor of the above-referenced application.

The statement contained in the instant petition does not set forth that the entire delay from the due date of the required reply to the date of the filing of a grantable petition was unintentional as required by 37 CFR 1.137(b)(3). However, the statement contained in the instant petition is being so construed. Petitioner **must** notify the Office if this is not a correct interpretation.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply.[2] The four (4)-month extension request filed on 17 April, 2007, was submitted more than five (5) months after the end of the period for reply to the Notice of Appeal filed on 27 June, 2006, and therefore is unnecessary. The extension of time fee paid on 17 April, 2007, will be credited to counsel's deposit account as authorized.

Telephone inquiries concerning this matter may be directed to the undersigned at (571)272-3231.

DWood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

---

[2] See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988).

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OFFICE OF PETITIONS

In re Application of	:	
Shore et al.	:	
Application No. 11/638,637	:	ON PETITION
Filed: December 12, 2006	:	
Attorney Docket No. 0069962-000003	:	

This is a decision on the petition filed April 5, 2007, requesting that the above-identified application be accorded a filing date of December 12, 2006, rather than the presently accorded date of December 11, 2006. The petition is properly treated as a petition under 37 CFR 1.10(c).

Applicant requests the later filing date on the basis that the application was purportedly deposited with the U.S. Postal Service (USPS) as Express Mail on December 12, 2006, pursuant to 37 CFR 1.10. In support, applicant has submitted a copy of Express Mail label No. EV 883137805 US, showing a handwritten "date-in" of "12-11-06" and a "December 12, 2006" USPS receipt stamp. The same Express Mail receipt number appears on the original "Utility Patent Application Transmittal Letter." Additionally, applicant has submitted a copy of a postal service sales receipt, which shows the above-identified Express Mail label number as having a receipt date of December 12, 2006.

To further substantiate applicant's allegation that the application papers for this file were deposited on the requested filing date, an independent search was made of the USPS Express Mail Track and Confirm records which resulted in a finding that the package in question was in fact accepted on December 12, 2006 at 4:35 p.m. at the Belmont, CA USPS.

Therefore, in view of all the evidence, it is concluded that the application was deposited in Express Mail service on December 12, 2006. Accordingly, the instant application is entitled to a filing date of December 12, 2006 and has been so accorded.

The petition is **GRANTED**.

A petition under 37 CFR 1.10(c) does not require a petition fee and none has been collected.

This matter is being referred to the Office of Initial Patent Examination Division for further **processing with a filing date of December 12, 2006, along with a corrected filing receipt.** Thereafter, the matter will be referred to Technology Center 2626 for examination in due course.

Telephone inquiries concerning this matter may be directed Petitions Examiner Liana Walsh at (571) 272-3206.

Frances Hicks
Petitions Examiner
Office of Petitions

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STALLMAN & POLLOCK LLP
353 SACRAMENTO STREET, SUITE 2200
SAN FRANCISCO CA 94111

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OFFICE OF PETITIONS

In re Application of	:	
SPINELLI, et al.	:	
Application No. 11/638,645	:	DECISION GRANTING PETITION
Filed: December 13, 2006	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **COHO-6630**	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed March 3, 2008, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on February 11, 2008 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to Monica A. Graves at (571) 272-7253.

This application is being referred to Technology Center AU 2828 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form* ***must*** *be completed and timely submitted to avoid abandonment of the application.*

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PO BOX 55630
PHOENIX, AZ 85078

In re Application of Richard L. Zipnick, et al. Application No. 11/638,652 Filed: December 12, 2006 Attorney Docket No. 1176-P-7	: : : : :	ON PETITION

This is a decision in response to the petition, filed March 29, 2010, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed April 16, 2009, which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on July 17, 2009. A Notice of Abandonment was mailed on October 29, 2009. On March 29, 2010, the present petition was filed.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that petitioner has supplied (1) a proposed reply in the form of an amendment; (2) the petition fee of $810; and (3) an adequate statement of unintentional delay.

The application is being referred to Technology Center AU 3775 for appropriate action by the Examiner in the normal course of business on the response filed March 29, 2010.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204. Inquiries relating to further prosecution should be directed to the Technology Center.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MICHAEL TOBIAS
1629 K ST NW
SUITE 300
WASHINGTON, DC 20006

COPY MAILED
SEP 26 2008

In re Application of	:	
Edward Tygard	:	
Application No. 11/638,676	:	DECISION ON PETITION
Filed: December 14, 2006	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 1097	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 29, 2008, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a declaration statement signed by applicant. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 3652 for action on the merits commensurate with this decision.

April M. Wise
April M. Wise
Petitions Examiner
Office of Petitions

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ARENT FOX LLP
1050 CONNECTICUT AVENUE, N.W.
SUITE 400
WASHINGTON DC 20036

MAILED

AUG 13 2009

OFFICE OF PETITIONS

In re Application of	:	
ARCUSIN, Carlos	:	
Application No. 11/638,691	:	DECISION ON PETITION
Filed: December 14, 2006	:	TO WITHDRAW
Attorney Docket No. **026254-00052**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 12, 2009.

The request is **NOT APPROVED**.

The Office has revised its change in procedure for request to withdraw from representation applies to requests filed on or after May 12, 2008.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request cannot be approved because there is no indication that acts (1) thru (3) noted in the above-identified certifications have been performed. See PTO/SB/83 (11-08).

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272- 2783.

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

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WASHINGTON DC 20036

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MAY 11 2010

OFFICE OF PETITIONS

In re Application of	:	
ARCUSIN, Carlos	:	
Application No. 11/638,691	:	DECISION ON PETITION
Filed: April 14, 2006	:	TO WITHDRAW
Attorney Docket No. **026254-00052**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 20, 2010

The request is **NOT APPROVED**.

The Office has revised its change in procedure for request to withdraw from representation applies to requests filed on or after May 12, 2008.

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record cannot be approved because the request to change the correspondence address is not that of: (1) the first named inventor; or (2) an assignee of the entire interest under 37 C.F.R 3.71 who has properly intervened.

If an assignee has intervened in this application, then a Statement under 37 CFR 3.73(b) or a copy of the actual assignment must be submitted with a renewed request.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

cc: **MR. IGNACIO DE LAS CARRERAS**
DEMARCAS.COM
TALCAHUANO 958 – PISO 18* C
BUENOS AIRES C1013AAT
ARGENTINA

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WASHINGTON DC 20036

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AUG 13 2009

OFFICE OF PETITIONS

In re Application of

ARCUSIN, Carlos
Application No. 11/638,693
Filed: December 14, 2006
Attorney Docket No. **026254-00051**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed May 12, 2009.

The request is **NOT APPROVED**.

The Office has revised its change in procedure for request to withdraw from representation applies to requests filed on or after May 12, 2008.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request cannot be approved because there is no indication that acts (1) thru (3) noted in the above-identified certifications have been performed. See PTO/SB/83 (11-08).

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272- 2783.

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

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1050 CONNECTICUT AVENUE, N.W.
SUITE 400
WASHINGTON DC 20036

MAILED

MAY 11 2010

OFFICE OF PETITIONS

In re Application of	:	
ARCUSIN, Carlos	:	
Application No. 11/638,693	:	DECISION ON PETITION
Filed: April 14, 2006	:	TO WITHDRAW
Attorney Docket No. **026254-00051**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 20, 2010

The request is **NOT APPROVED**.

The Office has revised its change in procedure for request to withdraw from representation applies to requests filed on or after May 12, 2008.

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record cannot be approved because the request to change the correspondence address is not that of: (1) the first named inventor; or (2) an assignee of the entire interest under 37 C.F.R 3.71 who has properly intervened.

If an assignee has intervened in this application, then a Statement under 37 CFR 3.73(b) or a copy of the actual assignment must be submitted with a renewed request.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **MR. IGNACIO DE LAS CARRERAS**
DEMARCAS.COM
TALCAHUANO 958 – PISO 18* C
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ARGENTINA

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ROBERT E. BUSHNELL
1522 K STREET NW
SUITE 300
WASHINGTON DC 20005-1202

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JAN 16 2008

OFFICE OF PETITIONS

In re Application of :
KHO et al. : ON PETITION
Application No. 11/638,695 :
Filed: 12/14/2006 :
Attorney Docket No. P58113 :

This is in response to the PETITION UNDER 37 C.F.R. § 1.47(b),[1] § 1.181 And § 1.183," filed April 18, 2007.

The petition is **DISMISSED.**

Applicants are given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration" and should address the deficiencies noted below. **Failure to respond will result in abandonment of the application**. Any extensions of time will be governed by 37 CFR 1.136(a).

On January 18, 2007, applicants filed the above-identified application without an executed oath or declaration. Accordingly, on July 14, 2006, the Office mailed applicants a Notice to File Missing Parts of Nonprovisional Application, requiring an executed oath or declaration and additional fees in the amount of $1,130.00. This Notice set a two-month extendable period for reply.

On April 18, 2007, applicants submitted the present petition, a Declaration, a request for an extension of time for response within the first month, and the necessary fees. The Declaration was executed by 7 of the 8 inventors. Additionally, Kyu-Suk Kim, Senior Manager of Legal Dept. of Samsung SDI Co., Ltd, signed the declaration on behalf of the deceased fifth named inventor, Seung-Hyun Lee.

In the petition, applicants requested that the Office accept the declaration in lieu of a signature of a legal representative for deceased inventor, Seung-Hyun Lee. Applicants stated that Seung-Hyun Lee became ill during his employment with Samsung SDI Co., Ltd., and died on an uncertain date

[1] The Office notes that 37 CFR 1.47(b) applies whenever all of the inventors refuse to execute an application for patent, or cannot be found or reached after diligent effort. The petition will be treated under the provisions of 37 CFR 1.47(a) as at least one joint inventor has executed the declaration.

subsequent to December 14, 2005. In the Statement of Facts, Mr. Kim asserted the Assignee had determined that Seung-Hyun Lee had died and no family member or representative resided at his last known address. Mr. Kim stated that he unsuccessfully sought to obtain a reliable forwarding address for a widow or representative of Seung-Hyun Lee but due privacy statutes and the fact that Seung-Hyun Lee is no longer employed by the Assignee, Mr. Kim had no access to personnel and government information pertaining Seung-Hyun Lee. Mr. Kim asserted that he made oral and written attempts, as well as traveled to Seung-Hyun Lee's last known address, in an effort to locate any of Lee's family members or representative. However, applicants submitted an English translation of a Family Census Register with the present petition, which identified Jeong-Hye Lee as the wife of the deceased inventor.

As set forth in Section 409.03(c) of the Manual of Patent Examining Procedure, an applicant is permitted to file a petition under 37 CFR 1.47(a) and 35 U.S.C. 116 second paragraph when a legal representative of a deceased joint inventor is unavailable to make the application (*i.e.*, sign the oath or declaration required by 37 CFR 1.63 and 1.64 or 1.175). These provisions requires all available joint inventors to file an application "on behalf of" themselves and on behalf of a legal representative of a deceased joint inventor who "cannot be found or reached after diligent effort" or who refuses to "join in an application."

In addition, the following requirements must be meet:

> (A) All the available joint inventors must (1) make oath or declaration on their own behalf as required by 37 CFR 1.63 or 1.175 (see MPEP § 602, § 605.01, and § 1414) and (2) make oath or declaration on behalf of the nonsigning legal representative of the deceased joint inventor as required by 37 CFR 1.64. An oath or declaration signed by all the available joint inventors with the signature block of the nonsigning legal representative left blank may be treated as having been signed by all the available joint inventors on behalf of the nonsigning legal representative unless otherwise indicated.
>
> (B) The application must be accompanied by proof that the nonsigning legal representative (1) cannot be found or reached after diligent effort or (2) refuses to execute the application papers. See MPEP § 409.03(c).
>
> (C) The last known address of the nonsigning legal representative must be stated. See MPEP § 409.03(e).

Applicants have not meet requirements (A) and (C) above.

The Office notes that applicants must identify a legal representative of the deceased inventor in the declaration. Pursuant to the Family Census Register, Jeong-Hye Lee appears to be the legal representative of the deceased inventor. Thus, applicants have a suitable remedy on hand for their predicament that does not require the extraordinary remedy of invoking 37 CFR 1.183. Applicants are reminded that the Office will not normally consider an extraordinary remedy when the rules already provide an avenue for obtaining the relief sought. See Cantello v. Rasmussen, 220 USPQ 664 (Comm'r Pat. 1982).

If the inventor is deceased, the legal representative of the inventor may make the necessary oath or declaration, and apply for and obtain the patent. See 35 U.S.C. § 117; 37 CFR 1.42, 1.43, 1.47. If the legal representative cannot be reached or refused to join in the filing of the application, 35 U.S.C. §§ 116 (where the inventor is a joint inventors) and 118 (where the deceased inventor was the sole inventor) apply. See MPEP 409.01(a). There is no provision for the circumstance where an applicant cannot identify a legal representative. Normally, a widow or widower of a deceased inventor is the legal representative of the deceased inventor.

The Office notes that Kyu-Suk Kim improperly signed the declaration in this instance. Rather, the declaration must identify the legal representative (i.e. Jeong-Hye Lee) of the deceased inventor, as well as indicate the citizenship, residence and mailing address of the legal representative. Therefore, on renewed petition, applicants must indicate what they believe to be the last known address of the legal representative and submit a newly executed declaration. The declaration must identify the inventive entity, including the legal representative, by name, residence, mailing address and citizenship, and be executed by the signing inventors on behalf of themselves and the non-signing legal representative. The signature block for the legal representative and the deceased inventor signature should remain blank. A Declaration Supplemental Sheet for Legal Representatives on Behalf of a Deceased Inventor Form accompanies this decision for applicants' convenience. If one of the signing inventors refuses or cannot be located to re-execute the new declaration, applicants must also file a petition under 37 CFR 1.183 to waive the requirements of 37 CFR 1.64 and 1.67, accompanied by a $400.00 fee.[2]

Further correspondence with respect to this matter should be addressed as follows and **directed to the attention of Senior Petitions Attorney Christina Tartera Donnell**:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Correspondence may also be submitted via the Electronic Filing System of the USPTO.

[2] Petitions under 37 CFR 1.47 are only applicable to an original oath or declaration and do not apply to the re-execution of another oath or declaration by a signing inventor. In such circumstances, an applicant should file a petition under 37 CFR 1.183 (and fee) requesting waiver of the requirement of 37 CFR 1.64 and 1.67 that the inventor re-execute the oath or declaration. The petition under 37 CFR 1.183 requesting waiver of the re-execution of the oath or declaration will be evaluated as to whether the non-signing inventor was actually given the opportunity to re-execute the oath or declaration, or whether the non-signing inventor could not be reached.

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3211.

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

Enclosure (1)

PTO/SB/2LR (07-07)
Approved for use through 06/30/2010. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

DECLARATION Supplemental Sheet
For Legal Representatives (35 U.S.C. 117) On Behalf of A Deceased or Incapacitated Inventor

Enter Deceased or Incapacitated Inventor's Name _____ **Page**_____ **of** _____

Name of Legal Representative:	☐ A petition has been filed for this non-signing legal representative		
Given Name (first and middle (if any))	Family Name or Surname		
Legal Representative's Signature		Date	
Residence: City	State	Country	Citizenship
Mailing Address			
Mailing Address			
City	State	Zip	Country
Name of Additional Legal Representative, if any:	☐ A petition has been filed for this non-signing legal representative		
Given Name (first and middle (if any))	Family Name or Surname		
Legal Representative's Signature			
Residence: City	State	Country	Citizenship
Mailing Address			
Mailing Address			
City	State	Zip	Country
Name of Additional Legal Representative, if any:	☐ A petition has been filed for this non-signing legal representative		
Given Name (first and middle (if any))	Family Name or Surname		
Legal Representative's Signature	Date		
Residence: City	State	Country	Citizenship
Mailing Address			
Mailing Address			
City	State	Zip	Country

This collection of information is required by 35 U.S.C. 117 and 37 CFR 1.42, 1.43, 1.63 and 1.64(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

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OFFICE OF PETITIONS

ROBERT E. BUSHNELL
1522 K STREET NW
SUITE 300
WASHINGTON DC 20005-1202

In re Application of
KHO et al.
Application No. 11/638,695
Filed: 12/14/2006
Attorney Docket No. P58113

ON PETITION

This is in response to the renewed petition under 37 C.F.R. §§§ 1.47(a), 1.181 and 1.183, filed March 17, 2008.

On January 18, 2007, applicants filed the above-identified application without an executed oath or declaration. On July 14, 2006, the Office mailed applicants a Notice to File Missing Parts of Nonprovisional Application, requiring an executed oath or declaration and additional fees in the amount of $1,130.00. This Notice set a two-month extendable period for reply.

On April 18, 2007, applicants submitted a petition under 37 C.F.R. §§§ 1.47(a), 1.181 and 1.183, a Declaration, a request for an extension of time for response within the first month, and the necessary fees. The Declaration was executed by 7 of the 8 inventors. Additionally, Kyu-Suk Kim, Senior Manager of Legal Dept. of Samsung SDI Co., Ltd ("Samsung"), signed the declaration on behalf of the deceased fifth named inventor, Seung-Hyun Lee. The petition was dismissed by the decision of January 16, 2008. On March 17, 2008, applicants filed the present renewed petition.

On petition, applicants asked that the Office accept the Declaration signed by Mr. Kim in lieu of a signature of a legal representative for deceased inventor, Seung-Hyun Lee. Specifically, applicants requested that the Office suspend the rules under 37 CFR 1.183 and accept the Declaration of April 18, 2007, signed by Mr. Kim, an authorized officer of Samsung on behalf of the deceased inventor (as a person mentioned in § 1.42, 1.43, or 1.47 - who otherwise shows sufficient proprietary interest in the matter justifying such action), in full satisfaction under 37 CFR 1.63. Applicants explained that Seung-Hyun Lee became ill during his employment with Samsung, and died on an uncertain date after December 14, 2005. In the Statement of Facts, Mr. Kim asserted the Samsung had determined that Seung-Hyun Lee had died and no family member or representative resided at his last known address. Mr. Kim stated that he unsuccessfully sought to obtain a reliable forwarding

address for a widow or representative of Seung-Hyun Lee but due privacy statutes and the fact that Seung-Hyun Lee is no longer employed by Samsung, Mr. Kim had no access to personnel and government information pertaining Seung-Hyun Lee. Mr. Kim asserted that he made oral and written attempts, as well as traveled to Seung-Hyun Lee's last known address, in an effort to locate any of Lee's family members or representative, but to no avail.

In support of the request, applicants argued:

> ... In point of fact, neither 35 U.S.C. § 117 nor § 118, nor 37 CFR § 1.42, 37 CFR § 1.46 nor 37 CFR § 1.47(a) imposes a requirement that a Declaration filed under either 37 CFR § 1.46 or 37 CFR § 1.47 must be signed by **all** of the joint inventors in a situation where ***(i)*** one of three joint inventors dies before the filing of a U.S. patent application, ***(ii)*** despite diligent efforts by the Applicant, the Applicant has been singularly unable to identify either a widow, former wife, executor or legal representative, or to learn adequate information about the circumstances attendant the passing of the deceased inventor, and ***(iii)*** the applicant here, Samsung SDI Co., Ltd., is both "a person" by operation of the law of forum of employment of the deceased inventor, ***who otherwise shows sufficient proprietary interest*** in the matter justifying such action[.]"
>
> Moreover, nothing in the Code of Federal Regulations imposes a requirement that a Declaration filed under either 37 CFR § 1.46 or 37 CFR § 1.47 must be signed by all of the joint inventors in a situation where ***(i)*** one of three joint inventors dies before the filing of a U.S. patent application, ***(ii)*** despite diligent efforts by the Applicant, the Applicant has been singularly unable to identify either a widow, former wife, executor or legal representative, or to learn adequate information about the circumstances attendant the passing of the deceased inventor, and ***(iii)*** the applicant here, Samsung SDI Co., Ltd., is both "a person" by operation of the law of forum of employment of the deceased inventor, ***who otherwise shows sufficient proprietary interest*** in the matter justifying such action[.] The previously filed Memorandum of Law of Woo-Hyun HWANG, Esquire establishes ownership of the above-captioned U.S. Patent Application assigned Serial No. 11/638,695 vests in Samsung SDI Co., Ltd., under Articles 37 and 38 of the Korean Industrial Property Act, by virtue of the employment of the second named joint inventor, Mr. Seung-Hyun Lee. Under 37 C.F.R. § 1.46, Samsung SDI Co., Ltd. has therefore of sufficient proprietary interest to sign the Declaration on behalf of, and as agent for the fifth named joint inventor, Mr. Seung-Hyun Lee.
>
> Moreover, 37 C.F.R. § 1.46 authorizes "one of the persons mentioned in § 1.42, 1.43, or 1.47" to sign the "oath or declaration." The express language of 37 C.F.R. § 1.46 does not impose any of the threshold conditions precedents upon the availability of 37 C.F.R. § 1.46 upon any "one of the persons mentioned in § 1.42, 1.43, or 1.47." A person to whom the inventor has assigned or agreed in writing to assign or ***who otherwise shows sufficient proprietary interest*** - 35 U.S.C. § 118 -- is "one of the persons mentioned in § 1.42, 1.43, or 1.47" as authorized by 37 C.F.R. § 1.46 to sign the "oath or declaration."

> Consequently, Samsung SDI Co., Ltd. has sufficient proprietary interest to sign the Declaration under 37 C.F.R. § 1.46. Acceptance of the Declaration earlier filed by Samsung SDI Co., Ltd. on or about the 18th of April 2007 is therefore, respectfully requested.

Petition dated 03/17/08, pp. 18-20.

After a thorough review of the facts and evidence submitted on petition, the Office concludes that the attorney of record has provided sufficient proof that applicants cannot locate any surviving spouse or heirs of Seung-Hyun Lee. In view of the efforts recounted in the petition to locate a legal representative of Seung-Hyun Lee, it is agreed that justice would be served by suspending the rules and accepting the declaration of April 18, 2007, as in compliance with 37 CFR 1.63 and 37 CFR 1.64. Accordingly, the petition under 37 CFR 1.183 is **GRANTED.**

Further, applicants have shown that they made a diligent effort to locate a legal representative of the deceased inventor, albeit unsuccessful. In view of the granting of the petition under 37 CFR 1.183 and the facts specific to this application, the Office finds that the application papers are in compliance with 37 CFR 1.47(a). Thus, the petition under 37 CFR 1.47(a) is **GRANTED**. This application is hereby accorded Rule 1.47(a) status. As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the last known address of the deceased inventor given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The Office will charge the $400.00 fee for filing a petition under 37 CFR 1.183 to the Deposit Account, as authorized.

The application is being referred to Technology Center AU 2811.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3211. All questions regarding the status of the application or the examination process should be directed to the Technology Center.

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Seung-Hyun Lee Family
102-2005, Lotte Apt., 17
Samseong-dong, Gangnam-gu
Seoul, Republic of Korea

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APR 14 2008
OFFICE OF PETITIONS

In re Application of	:	
KHO et al.	:	LETTER
Application No. 11/638,695	:	
Filed: 12/14/2006	:	
Attorney Docket No. P58113	:	

Seung-Hyun Lee is named as a joint inventor in the above-identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application, Mr. Lee will be designated therein as a joint inventor.

As a legal representative of Mr. Lee, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application should be directed to the Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington, DC area).

C. T. Donnell

C. T. Donnell
Petitions Attorney
Office of Petitions

ROBERT E. BUSHNELL
1522 K STREET NW
SUITE 300
WASHINGTON DC 20005-1202

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Sand & Sebolt
Aegis Tower, Suite 1100
4940 Munson Street, NW
Canton, OH 44718-3615

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In re Application of	:	
Dennis D. Belden, Jr. et al.	:	
Application No. 11/638,727	:	DECISION ON PETITION
Filed: December 14, 2006	:	TO WITHDRAW
Attorney Docket No. 3719/75US	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 2, 2008.

The request is **moot because a revocation of power of attorney has been previously filed.**

A review of the file record indicates that the power of attorney to Joseph A. Sebolt and all attorneys/agents of record has been revoked by the assignee of the patent application on October 10, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Adams Intellectual Property Law, P.A.
Suite 2350 Charlotte Plaza
201 South College Street
Charlotte, NC 28244

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MORRISON & FOERSTER, LLP
555 WEST FIFTH STREET
SUITE 3500
LOS ANGELES, CA 90013-1024

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MAR 16 2010

In re Application of :
Kenichi Nishida et al :
Application No. 11/638,778 : ON PETITION
Filed: December 13, 2006 :
Attorney Docket No. 393032064400

This is a decision on the petition, filed March 12, 2010 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on February 4, 2010 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 2832 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

---

[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

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ILLINOIS TOOL WORKS INC.
3600 WEST LAKE AVENUE
PATENT DEPARTMENT
GLENVIEW, IL 60025

Mail Date: 04/27/2010

Applicant	: Anthony Pascariello	: DECISION ON REQUEST FOR
Patent Number	: 7665213	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/638,782	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/14/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **348** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP
300 S. WACKER DRIVE
32ND FLOOR
CHICAGO IL 60606

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JUL 21 2008

OFFICE OF PETITIONS

In re Application of	:	
Derks et al.	:	
Application No: 11/638789	:	DECISION
Filed: 12/14/2006	:	ON PETITION
Atty Docket No.:	:	
07-2146-B	:	

This is a decision on the Request to Withdraw Notice of Abandonment Under 37 CFR §1.181(a), filed June 11, 2008. The Request is properly treated as a petition.

The petition is **granted.**

Background

The above-identified application became abandoned for failure to timely and properly reply to the Notice to File Corrected Application Papers ("Notice"), mailed September 25, 2007. The Notice set a three (2) month period for reply. No reply having been received, this application became abandoned on November 26, 2007. A Notice of Abandonment was mailed June 4, 2008.

The present petition

Applicant files the present petition and asserts that a timely reply to the Notice was filed via Express Mail on November 26, 2007; however, the reply included a typographical error in the application number in the Transmittal, to wit – the application number was listed as 10/638,789, instead of the correct application serial number: 11/638,789. In support of this assertion, Applicant files a copy of the reply, which bears a Certificate of Mailing under 37 CFR 1.8; a copy of an Express Mail Mailing Label, and a return receipt postcard which evidences receipt of the reply.

A review of application serial number 10/638,789 reveals that the reply was filed therein on November 26, 2007. A further review of the reply reveals that the reply included the correct Title, Filing Date, First Named Inventor, and Group Art Unit.

In view of the above, it is apparent that the reply to the Office action was filed in this Office on November 26, 2007, and due to errors on the part of Applicant and this Office, was inadvertently misplaced. Accord MPEP 502[1].

Accordingly, the holding of abandonment is hereby withdrawn.

The reply filed in 10/638,789, has been removed and placed in 11/638,789. The application will be referred to Technology Center Art Unit 3747 for processing of the reply, and for continued examination in due course.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

Derek L. Woods
Attorney
Office of Petitions

[1] The MPEP 502 provides that a minor error in the identification of the application can be corrected by the Office provided the correct identification can be quickly discovered. Examples of minor errors are transposed numbers, typographical errors, and listing the parent application number.

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DW Jun-10

BUCHALTER NEMER
18400 VON KARMAN AVE.
SUITE 800
IRVINE CA 92612

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JUN 10 2010

OFFICE OF PETITIONS

In re Application of	:	
Hardesty et al.	:	
Application Number: 11/638791	:	DECISION ON PETITION
Filing Date: 12/14/2006	:	
Attorney Docket Number: W5668-0105	:	

This is a decision on the renewed petition filed on March 17, 2010, under 37 CFR 1.137(b),[1] to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned on October 21, 2009, for failure to timely submit a reply to the non-final Office action mailed on July 20, 2009, which set a three (3)-month shortened

---

[1] Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional utility or plant application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continuing examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may required additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

statutory period for reply. No extensions of the time for reply in accordance in accordance with 37 CFR 1.136(a) were obtained. Notice of Abandonment was mailed on February 1, 2010.

Receipt of the amendment filed on March 17, 2010 is acknowledged.

The application is forwarded to Technology Center Art Unit 2832 for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571)272-3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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Dority & Manning, P.A.
Post Office Box 1449
Greenville, SC 29602-1449

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MAR 30 2009

OFFICE OF PETITIONS

In re Application of	:	
Stephen John Horne et al.	:	
Application No. 11/638,793	:	DECISION ON PETITION
Filed: December 14, 2006	:	TO WITHDRAW
Attorney Docket No. HTG-1-CON	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 5, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Neil M. Batavia on behalf of all attorneys/agents associated with customer number 22827. All attorneys/agents associated with customer number 22827 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The correspondence address has been changed to that of the first signing inventor and is copied below.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Stephen John Horne
254 Balboa Avenue
El Granada, CA 94018

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/638,793	12/14/2006	Stephen John Horne	HTG-1-CON

CONFIRMATION NO. 4418

POWER OF ATTORNEY NOTICE

22827
DORITY & MANNING, P.A.
POST OFFICE BOX 1449
GREENVILLE, SC 29602-1449

OC000000035241690

Date Mailed: 03/30/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/05/2009.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/kainabinet/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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SAND & SEBOLT
AEGIS TOWER, SUITE 1100
4940 MUNSON STREET, NW
CANTON, OH 44718-3615

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OFFICE OF PETITIONS

In re Application of
SCOTT, Ian R. et al.
Application No. 11/638,814
Filed: December 14, 2006
Attorney Docket No. **3719/55US**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 02, 2008.

The request is **moot** because a revocation of power oaf attorney has been previously filed.

A review of the file record indicates that the power of attorney to SAND & SEBOLT has been revoked by the assignee of the patent application on October 09, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **ADAMS INTELLECTUAL PROPERTY LAW, P.A.**
SUITE 2350 CHARLOTTE PLAZA
201 SOUTH COLLEGE STREET
CHARLOTTE NC 28244

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NUTTER MCCLENNEN & FISH LLP
SEAPORT WEST
155 SEAPORT BOULEVARD
BOSTON, MA 02210-2604

Mail Date: 04/20/2010

Applicant	: Eckehard Steinbach	: DECISION ON REQUEST FOR
Patent Number	: 7668191	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/638,836	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/13/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **562** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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Ward & Olivo
382 Springfield Ave.
Suite 305
Summit, NJ 07901

Mail Date: 04/21/2010

Applicant	: Irfan Rahim	: DECISION ON REQUEST FOR
Patent Number	: 7639033	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/638,846	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/13/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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OCT 26 2009

OFFICE OF PETITIONS

William L. Botjer
PO Box 478
Center Moriches NY 11934

In re Application of	:	
Duncan MacDougall Greatwood	:	
Application No. 11/638,860	:	DECISION GRANTING PETITION
Filed: December 14, 2006	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. ASW-002	:	

This is a decision on the petition, filed May 19, 2009, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. *See* 37 CFR 1.137(f).

The petition is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of an international application on December 12, 2007. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in an eighteen-month publication country.

In view of the above, this application became abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country or under a multilateral international agreement that requires publication of applications 18 months after filing.

A petition to revive an application abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to notify the USPTO of a foreign filing must be accompanied by:

(1) the required reply which is met by the notification of such filing in a foreign country or under a multinational treaty;
(2) the petition fee as set forth in 37 CFR 1.17(m); and
(3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

The instant petition has been found to be in compliance with 37 CFR 1.137(b). Accordingly, the failure to timely notify the USPTO of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

The previous Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded. A Notice Regarding Rescission of Nonpublication Request which sets forth the projected publication date of accompanies this decision on petition.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3222.

This application is being forwarded to Technology Center Art Unit 2162 for examination in due course.

Kenya A. McLaughlin
Petitions Attorney
Office of Petition

ATTACHMENT: Notice Regarding Rescission of Nonpublication Request

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United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/638,860	12/14/2006	Duncan MacDougall Greatwood	ASW-002

CONFIRMATION NO. 5019

William L. Botjer
PO Box 478
Center Moriches, NY 11934

NONPUBLICATION RESCISSION LETTER

OC000000038430092

Date Mailed: 10/22/2009

Communication Regarding Rescission Of Nonpublication Request and/or Notice of Foreign Filing

Applicant's rescission of the previously-filed nonpublication request and/or notice of foreign filing is acknowledged. The paper has been reflected in the Patent and Trademark Office's (USPTO's) computer records so that the earliest possible projected publication date can be assigned.

The projected publication date is 01/28/2010.

If applicant rescinded the nonpublication request before or on the date of "foreign filing,"[1] then no notice of foreign filing is required.

If applicant foreign filed the application after filing the above application and before filing the rescission, and the rescission did not also include a notice of foreign filing, then a notice of foreign filing (not merely a rescission) is required to be filed within 45 days of the date of foreign filing. See 35 U.S.C. § 122(b)(2)(B)(iii), and Clarification of the United States Patent and Trademark Office's Interpretation of the Provisions of 35 U.S.C. § 122(b)(2)(B)(ii)-(iv), 1272 Off. Gaz. Pat. Office 22 (July 1, 2003).

If a notice of foreign filing is required and is not filed within 45 days of the date of foreign filing, then the application becomes abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii). In this situation, applicant should either file a petition to revive or notify the Office that the application is abandoned. See 37 CFR 1.137(f). Any such petition to revive will be forwarded to the Office of Petitions for a decision. Note that the filing of the petition will not operate to stay any period of reply that may be running against the application.

Questions regarding petitions to revive should be directed to the Office of Petitions at (571) 272-3282.

[1] Note, for purpose of this notice, that "foreign filing" means "filing an application directed to the same invention in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing".

/kathornton mclaughl/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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DORITY & MANNING, P.A.
POST OFFICE BOX 1449
GREENVILLE, SC 29602-1449

Mail Date: 04/21/2010

Applicant	: Jeffrey Lawrence McManus	: DECISION ON REQUEST FOR
Patent Number	: 7642208	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/638,862	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/14/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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100 Regency Forest Drive
Suite 160
Cary NC 27518

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DEC 07 2009

OFFICE OF PETITIONS

In re Application of	:	
Christopher Amidon, et al.	:	
Application No. 11/638,922	:	DECISION GRANTING PETITION
Filed: December 14, 2006	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 1104-222	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, December 7, 2009 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on December 27, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 2451 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

Terri Johnson

Terri Johnson
Petitions Examiner
Office of Petitions

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[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form* ***must*** *be completed and timely submitted to avoid abandonment of the application.*

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20100316

DATE : March 16, 2010

TO SPE OF : ART UNIT 1661

11/638,930

SUBJECT : Request for Certificate of Correction on Patent No.: PP19854

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:
Certificates of Correction Branch - ST (South Tower) 9A22
Palm location **7590** - Tel. No. (703) 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance **Certificates of Correction Branch**

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriated box.

- ☒ **Approved** — All changes apply.
- ☐ **Approved in Part** — Specify below which changes **do not** apply.
- ☐ **Denied** — State the reasons for denial below.

Comments:

ANNE MARIE GRUNBERG
SUPERVISORY PATENT EXAMINER

UNITED STATES PATENT AND TRADEMARK OFFICE

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THE LAW OFFICE OF
DEEPTI PANCHAWAGH- JAIN
C/O INTELLVATE
P.O.BOX 52050
MINNEAPOLIS MN 55402

MAILED

MAR 29 2010

OFFICE OF PETITIONS

In re Application of :
Schemers, et al. :
Application No. 11/638,941 : DECISION
Filed/Deposited: 14 December, 2006 :
Attorney Docket No. 025-0160 :

This is a decision on the paper considered as a petition originally submitted on 6 October, 2009, though styled at that time as a "Response" but expressly requesting that the holding of abandonment be withdrawn, and resubmitted on 29 January, 2010, considered as a petition under 37 C.F.R. §1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition under 37 C.F.R. §1.181 is **GRANTED**.

As to the Request to Withdraw
the Holding of Abandonment

Petitioners always are directed to the Commentary at MPEP §711.03(c)(I) for guidance as to the proper showing and timeliness requirements for relief under 37 C.F.R. §1.181.

BACKGROUND

The record reflects as follows:

Petitioner failed to reply timely and properly to the non-final Office action mailed on 11 February, 2009, with reply due absent extension of time on or before 11 May, 2009

(On review the record clearly shows that Petitioner in fact submitted a reply in the form of an amendment on 8 May, 2009, along with an information disclosure statement (IDS) with fee.}

Nonetheless, the application was deemed to have gone abandoned by operation of law after midnight 11 May, 2009.

The Office mailed the Notice of Abandonment on 29 September, 2009.

On 6 October, 2009, Petitioner filed, *inter alia*, a paper styled as a "Communication in Response to the Notice of Abandonment," providing therewith copies of earlier filed papers, including the reply, and a copy of the Electronic Acknowledgment Receipt of 8 May, 2009, received by Petitioner from the Office and expressly stated therein that: "[a]ccordingly, Applicant respectfully requests that the holding of abandonment be withdrawn in this case." On 29 January, 2010, Petitioner once again filed a "Communication in Response to the Notice of Abandonment" with a somewhat more thorough itemization of support for the petition. Thus, Petitioner moved stepwise the guidance in the Commentary of the Manual of Patent Examining Procedure (MPEP) §711.03(c)(I), and made the showing required by providing the statements and documents specified therein.

With regard to a petition to withdraw the holding of abandonment pursuant to 37 C.F.R. §1.181, the guidance in the Commentary at MPEP §711.03(c)(I) provides in pertinent part:

***

> 37 C.F.R. §1.10(c) through §1.10(e) and §1.10(g) set forth procedures for petitioning the Director of the USPTO to accord a filing date to correspondence as of the date of deposit of the correspondence as "Express Mail." A petition to withdraw the holding of abandonment relying upon a timely reply placed in "Express Mail" must include an appropriate petition under 37 C.F.R. §1.10(c), (d), (e), or (g) (see MPEP §513). When a paper is shown to have been mailed to the Office using the "Express Mail" procedures, the paper must be entered in PALM with the "Express Mail" date.
>
> Similarly, applicants may establish that a reply was filed with a postcard receipt that properly identifies the reply and provides *prima facie* evidence that the reply was timely filed. See MPEP §503. For example, if the application has been held abandoned for failure to file a reply to a first Office action, and applicant has a postcard receipt showing that an amendment was timely filed in response to the Office action, then the holding of abandonment should be withdrawn upon the filing of a petition to withdraw the holding of abandonment. When the reply is shown to have been timely filed based on a postcard receipt, the reply must be entered into PALM using the date of receipt of the reply as shown on the post card receipt.
>
> Where a certificate of mailing under 37 C.F.R. §1.8, but not a postcard receipt, is relied upon in a petition to withdraw the holding of abandonment, see 37 C.F.R. 1.8(b) and MPEP §512. As stated in 37 C.F.R. §1.8(b)(3) the statement that attests to the previous timely mailing or transmission of the correspondence must be on a personal knowledge basis, or to the satisfaction of the Director of the USPTO. If the statement attesting to the

previous timely mailing is not made by the person who signed the Certificate of Mailing (i.e., there is no personal knowledge basis), then the statement attesting to the previous timely mailing should include evidence that supports the conclusion that the correspondence was actually mailed (e.g., copies of a mailing log establishing that correspondence was mailed for that application). When the correspondence is shown to have been timely filed based on a certificate of mailing, the correspondence is entered into PALM with the actual date of receipt (i.e., the date that the duplicate copy of the papers was filed with the statement under 37 C.F.R. §1.8).

37 C.F.R. §1.8(b) also permits applicant to notify the Office of a previous mailing or transmission of correspondence and submit a statement under 37 C.F.R. §1.8(b)(3) accompanied by a duplicate copy of the correspondence when a reasonable amount of time (e.g., more than one month) has elapsed from the time of mailing or transmitting of the correspondence. Applicant does not have to wait until the application becomes abandoned before notifying the Office of the previous mailing or transmission of the correspondence. Applicant should check the private Patent Application Information Retrieval (PAIR) system for the status of the correspondence before notifying the Office. See MPEP §512. [1]

***

Out of an abundance of caution, Petitioners always are reminded that the filing of a petition under 37 C.F.R. §1.181 does not toll any periods that may be running any action by the Office and a petition seeking relief under the regulation must be filed within two (2) months of the act complained of (*see*: 37 C.F.R. §1.181(f)), and those registered to practice and all others who make representations before the Office are reminded to inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation– since all owe to the Office the continuing duty to disclose.[2]

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

STATUTES, REGULATIONS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994).

---

[1] *See*: MPEP §711.03(c) (I)(B).

[2] See supplement of 17 June, 1999. The Patent and Trademark Office is relying on Petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

Allegations as to the Request to
Withdraw the Holding of Abandonment

The guidance in the Commentary at MPEP §711.03(c)(I) specifies the showing required and how it is to be made and supported.

Petitioner appears to have made the showing required.

CONCLUSION

Accordingly, the petition as considered pursuant to 37 C.F.R. §1.181 is **granted** and the 29 September, 2009, Notice of Abandonment is **vacated**.

The instant application is released to Technology Center/AU 2173 for further processing in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the instant decision to ensure that the revival has been acknowledged by the TC/AU in response to this decision. It is noted that all inquiries with regard to that change in status need be directed to the TC/AU where that change of status must be effected—that does not occur in the Office of Petitions.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[3]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

[3] The regulations at 37 C.F.R. §1.2 provide:
§1.2 Business to be transacted in writing.
All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

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THE LAW OFFICE OF DEEPTI PANCHAWAGH- JAIN
C/O INTELLVATE
P.O.BOX 52050
MINNEAPOLIS, MN 55402

MAILED
JUL 19 2010
OFFICE OF PETITIONS

In re Application of	:	
SCHEMERS, Roland J. et al.	:	
Application No. 11/638,941	:	DECISION ON PETITION
Filed: December 14, 2006	:	TO WITHDRAW
Attorney Docket No. **A477**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed June 08, 2010.

The request is **moot** because a revocation of power of attorney has been previously filed.

A review of the file record indicates that the power of attorney to THE LAW OFFICE OF DEEPTI PANCHAWAGH- JAIN has been revoked by the assignee of the patent application on May 21, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

cc: **VMWARE, INC.**
DARRYL SMITH
3401 HILLVIEW AVE.
PALO ALTO CA 94304

UNITED STATES PATENT AND TRADEMARK OFFICE

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Paper No.

Ansel M. Schwartz
Suite 304
201 N. Craig Street
Pittsburgh PA 15213

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MAR 2 5 2008

OFFICE OF PETITIONS

In re Application of	:	
Clay et al.	:	DECISION ON
Application No. 11/638,959	:	PETITION
Filed: December 14, 2006	:	
Attorney Docket No. CLAY-2	:	

This is a decision on the "PETITION TO WITHDRAW HOLDING OF ABANDONMENT UNDER 37 CFR 1.181(a)," filed November 5, 2007.

The above-identified application became abandoned for failure to timely file a reply to the NOTICE TO FILE CORRECTED APPLICATION PAPERS mailed January 18, 2007. The Office action set a two-month period for reply, with extensions of time obtainable under 37 CFR 1.136(a). No reply considered received and no extension considered obtained, the application became abandoned effective March 19, 2007. A courtesy Notice of Abandonment was mailed on October 3, 2007.

In response, applicants timely filed the instant petition. Petitioner contends that the application was improperly abandoned, as a reply was timely filed with payment of an extension of time fee. In support thereof, petitioner provides copies of their reply as originally filed, the negotiated check in the amount of $510 (presumably for an extension of time for response within the third month) and their itemized return postcard acknowledging receipt by the Office of 5 sheets of drawings on June 18, 2007.

A review of the petition and the records have the Office reveals that the papers, including the reply and the necessary payment for an extension of time, were timely received in the Office on June 18, 2007. However, the papers were identified by the wrong application number, filing date and group art unit. Accordingly, they were entered in the misidentified application and this application went abandoned for failure to prosecute. It is noted that the papers did identify the correct inventors, title and docket number. As such, the papers contained sufficient identifying information for the Office to correct applicant's filing error. It is concluded that the reply was timely filed albeit with some incorrect identifying information. Under the circumstances, withdrawal of the holding of abandonment is warranted.

The response filed June 18, 2007 (and the extension of time fee submitted therewith) has been "moved" from the electronic record of the incorrectly identified application to the record of the instant application.

In view thereof, the notice of abandonment mailed October 3, 2007, and the holding of abandonment are hereby **WITHDRAWN**.

The petition under § 1.181 is **GRANTED**.

No fee is required on petition under § 1.181.

It is noted that on filing of this petition, petitioner continued to identify the incorrect Art Unit and Examiner. Pre-examination processing has not been completed in this case. The Art Unit that will presumptively be associated with this application is not AU 2612. No examiner has been assigned.

The Office of Patent Application Processing (formerly known as the Office of Initial Patent Examination) has been advised of this decision. The application is, thereby, forwarded to the Office of Patent Application Processing's technical support staff to withdraw the holding of abandonment and for completion of pre-examination processing, including processing the response to the NOTICE TO FILE CORRECTED APPLICATION PAPERS filed June 18, 2007 (and resubmitted on petition filed November 5, 2007).

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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MAR 30 2007

OFFICE OF PETITIONS

DAVIDSON, DAVIDSON & KAPPEL, LLC
485 SEVENTH AVENUE, 14TH FLOOR
NEW YORK NY 10018

In re Application of	:	
Belanger, et al.	:	
Application No. 11/638,963	:	DECISION GRANTING PETITION
Filed: December 14, 2006	:	
Attorney Docket No. 6005.1004	:	

This is a decision on the petition filed February 2, 2007, requesting that the above-identified application be accorded a filing date of December 14, 2006.

On December 14, 2006 the above-identified application was filed. On January 19, 2007, the Office of Initial Patent Examination mailed a Notice of Incomplete Nonprovisional Application (the Notice), stating that the application had not been accorded a filing date as the application was deposited without a drawings and that the filing date would be the date the aforementioned items are received. A signed oath or declaration was also required.

In response, the present petition was filed wherein petitioner argues that two sheets of drawings were filed with the original application papers on December 14, 2006. In support, the petition is accompanied by a copy of applicant's postcard receipt whereby the Office acknowledged receipt of two sheets of drawings with the application papers.

The evidence supplied with the petition is persuasive. The Office clearly acknowledged receiving two sheets of drawings on December 14, 2006

The petition is granted. The fee of $400.00 will refunded, in due course.

The application is being returned to Initial Patent Examination Division for further processing with a filing date of December 14, 2006, including the copy of the drawings filed with the instant petition as part of the original disclosure. A corrected filing receipt will also be issued.

Any inquiries related to this decision should be directed to Kenya A. McLaughlin, Petitions Attorney, at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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DORSEY & WHITNEY LLP
INTELLECTUAL PROPERTY DEPARTMENT
SUITE 3400
1420 FIFTH AVENUE
SEATTLE, WA 98101

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APR 03 2008

OFFICE OF PETITIONS

In re Application of :
Wanmo Wong et al :
Application No. 11/638,971 : ON PETITION
Filed: December 13, 2006 :
Attorney Docket No. 501227.03 (30214/US/3)

This is a decision on the petition, filed April 2, 2008 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on March 11, 2008 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 2187 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

Irvin Dingle
Petitions Examiner
Office of Petitions

---

[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

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UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/638,994	12/13/2006	Jen-Chan Chien	07844-811001/P712	4311

21876 7590 04/13/2010
FISH & RICHARDSON P.C.
P.O. Box 1022
MINNEAPOLIS, MN 55440-1022

EXAMINER
DRENNAN, BARRY T

ART UNIT	PAPER NUMBER
2624	

NOTIFICATION DATE	DELIVERY MODE
04/13/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATDOCTC@fr.com

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APR 12 2010

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

FISH & RICHARDSON P.C.
P.O. Box 1022
MINNEAPOLIS MN 55440-1022

In re Application of	:	
Jen-Chan Chien *et al.*	:	
Serial No.: 11/638,994	:	
Filed: December 13, 2006	:	DECISION ON PETITION
For: **ROBUST FEATURE EXTRACTION FOR COLOR AND GRAYSCALE IMAGES**	:	*ACCEPTANCE OF COLOR DRAWINGS*

This is a decision on the petition under 37 CFR §1.184(4)(2) filed December 13, 2006, requesting reconsideration of petition, which is being treated as a petition under 37 C.F.R. § 1.84(a)(2), requesting acceptance of color drawings.

The petition requests that the color drawings identified in Figures 1, 3, 5, 7A, 7B, and 8 be accepted in lieu of black and white drawings.

A grantable petition under 37 C.F.R. §1.84(a)(2) must be accompanied by a fee set forth under 37 C.F.R. § 1.17(h), 3 (three) sets of the color drawings in question, and the specification must contain, or be amended to contain, the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings:

"The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition is **GRANTED**.

Doris To
Quality Assurance Specialist
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

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HOWARD CHEN, ESQ.
PRESTON GATES & ELLIS LLP
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55 SECOND STREET
SAN FRANCISCO CA 94105

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DEC 03 2008

In re Application of	:	
Lu et al.	:	
Application No. 11/639,006	:	DECISION ON PETITION
Filed: December 14, 2006	:	
Attorney Docket No. TSMC2006-0321	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 10, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed May 1, 2008, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on November 2, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Amendment, (2) the petition fee of $1,620.00, and (3) an adequate statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Joan Olszewski at (571) 272-7751.

This application is being referred to Technology Center AU 2816 for appropriate action by the Examiner in the normal course of business on the reply received.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

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& GENCARELLA, LLP
710 LAKEWAY DRIVE
SUITE 200
SUNNYVALE CA 94085

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MAR 30 2009

OFFICE OF PETITIONS

In re Application of
Nalla, et al.
Application No. 11/639,012
Filed: 13 December, 2006
Attorney Docket No. LAM2P588

DECISION

This is a decision on the petition filed on 19 December, 2008, which is being treated as a petition under 37 C.F.R. §1.137(b) to accept an unintentionally delayed notification to the U.S. Patent and Trademark Office (USPTO) of the filing of an application in a foreign country or under a multinational treaty that requires publication of applications eighteen-months after filing. (*See* 37 C.F.R. §1.137(f).)

The petition as considered under 37 C.F.R. §1.137(b) is **GRANTED**.

As to Allegations of
Failure to Notice

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(f) are the petition and fee therefor, a reply in the form of the Notice of subsequent foreign/international filing (in an eighteen-month publication country) and the date thereof, and a proper statement of unintentional delay under the regulation.

BACKGROUND

Petitioner states that the instant nonprovisional application is the subject of an application filed in an eighteen-month publication country on 15 August, 2007. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in an eighteen-month publication country. Therefore, pursuant to the provisions of 35 U.S.C. §122(b)(2)(B)(iii) and 37 C.F.R. §1.213(c), petitioner failed to timely notify the

USPTO of the filing of a counterpart application in a foreign country or under a multilateral international agreement that requires publication of applications 18 months after filing.

A petition under 37 C.F.R. §1.137(b) to accept an unintentionally delayed notification to the USPTO of the filing of a counterpart application in an eighteen-month publication country must be accompanied by:

> (1) the required reply which is met by the notification of such filing in a foreign country or under a multinational treaty;
> (2) the petition fee as set forth in 37 C.F.R. §1.17(m); and
> (3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

The instant petition has been found to be in compliance with 37 C.F.R. §1.137(b). Accordingly, the failure to timely notify the USPTO of a foreign or international filing within 45 days as provided by 35 U.S.C. §122(b)(2)(B)(iii) is accepted as having been unintentionally delayed.

The previous Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded. A Notice Regarding Rescission of Nonpublication Request which sets forth the projected publication *cannot be generated at this writing.*

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice and all others who make representations before the Office **must** inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[1]

As to Allegations of
Failure to Notice

It appears that the requirements under 37 C.F.R. §1.137(f) have been satisfied.

[1] See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

CONCLUSION

Accordingly, the petition pursuant to 37 C.F.R. §1.137(f) and considered under 37 C.F.R. §1.137(b) is **granted**.

This application is being released to Technology Center/AU 1792 for further processing in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the instant decision to ensure that the decision has been acknowledged by the Technology Center/AU. It is noted that all inquiries with regard to substantive examination need be directed to the Technology Center/AU where change of status must be effected—that does not occur in the Office of Petitions.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[2]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

ATTACHMENT: Notice Regarding Rescission of Nonpublication Request—*Could not be generated at this writing.*

---

[2] The regulations at 37 C.F.R. §1.2 provide:
§1.2 Business to be transacted in writing.
All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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DUNLAP CODDING, P.C.
PO BOX 16370
OKLAHOMA CITY OK 73113

MAILED

JUN 07 2010

OFFICE OF PETITIONS

In re Application of

Dittmer, et al.

Application No. 11/639,023

Filed: December 14, 2006

Attorney Docket No. **5820.680**

DECISION ON PETITION

This is a decision on the petition under 37 CFR §1.137(b), March 12, 2010, to revive the above-identified application.

The petition is **granted**.

This application became abandoned for failure to timely remit the issue fee of $755.00 and publication fee of $300.00 as required by the Notice of Allowance and Issue Fee Due (the "Notice") mailed October 30, 2009. The Notice set forth a three (3) month statutory period for reply. No response was received within the allowable period. Accordingly, this application became abandoned on January 31, 2010.

The issue fee and publication fee were received March 12, 2010.

Form PTOL-85B, filed March 12, 2010, is noted.

The application is being directed to the Office of Data Management for further processing.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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GEORGE REISCH ASCHAUER
2214 RED OAK CT.
BEMIDJI MN 56601

MAILED

JUN 28 2010

OFFICE OF PETITIONS

In re Application of	:	
George Reisch ASCHAUER	:	
Application No. 11/639,056	:	DECISION ON PETITION
Filed: December 15, 2006	:	TO MAKE SPECIAL UNDER
Attorney Docket No.	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed April 29, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement by applicant. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center at (571) 272-3600.

The application is being forwarded to Technology Center Art Unit 3655 for action on the merits commensurate with this decision.

/dcg/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
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ALEXANDRIA, VA 22313-1450
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OBER, KALER, GRIMES & SHRIVER
ROYAL W. CRAIG
120 EAST BALTIMORE STREET
BALTIMORE, MD 21202-1643

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AUG 21 2007

OFFICE OF PETITIONS

In re Application of :
David Ammon et al :
Application No. 11/639,061 :
Filed: December 14, 2006 :
Attorney Docket No. :
026353.078369

DECISION DISMISSING PETITION

This is a decision on the petition under 37 CFR 1.10(d), filed February 22, 207, requesting that the above-identified application be accorded a filing date of December 13, 2006, rather than the presently accorded date of December 14, 2006.

The petition is **DISMISSED**.

Any request for reconsideration of this decision should be filed within **TWO MONTHS** of the date of this decision in order to be considered timely (see 37 CFR 1.181(f)). No extensions of time pursuant to the provisions of 37 CFR 1.136 are permitted.

Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that the "date-in" on the "Express Mail" mailing label or other official notation entered by the USPS was incorrectly entered or omitted by the USPS, may petition the Director to accord the correspondence a filing date as of the date the correspondence is shown to have been deposited with the USPS.

The showing under 37 CFR 1.10(d) must be corroborated by (1) evidence from the USPS, or (2) evidence that came into being after deposit and within one business day of the deposit of the correspondence as "Express Mail." Evidence from the USPS may be the "Express Mail" Corporate Account Mailing Statement. Due to the questionable reliability of evidence from a party other than the USPS that did not come into being contemporaneously with the deposit of the correspondence with the USPS, 37 CFR 1.10(d) specifically requires that any petition under 37 CFR 1.10(d) be corroborated either by evidence from the USPS, or by evidence

that came into being after deposit and within one business day after the deposit of the correspondence as "Express Mail. Evidence that came into being within one day after the deposit of the correspondence as "Express Mail" may be in the form of a log book which contains information such as the "Express Mail" number; the application number, attorney docket number or other such file identification number; the place, date and time of deposit; the time of the last scheduled pick up for that date and place of deposit; the depositor's initials or signature; and the date and time of entry in the log. Conversely, evidence created prior to the deposit of the correspondence as "Express Mail" with the USPS (e.g., an application transmittal cover letter, or a client letter prepared prior to the deposit of the correspondence); or created more than one business day after the deposit of the correspondence as "Express Mail" (e.g., an affidavit or declaration prepared more than one business day after the correspondence was deposited with the USPS as "Express Mail") cannot be accepted under the terms of the rule.

Petitioner requests the earlier filing date on the basis that the application was purportedly deposited via Express Mail service on December 13, 2006, pursuant to the requirements of 37 CFR 1.10. The petition is accompanied by a copy of a USPS Track & Confirm record and a declaration by Dimitri Michel, Secretary for Royal W. Craig, petitioner herein, which states that the Express Mail package in question was placed in an on-site U.S. mailbox located in the lobby prior to the last scheduled pick-up of 4:30 on December 13, 2006. Mr. Michel states that he is "confident that it was done in accordance with the standard operating procedures and that I would not have left the office on December 13, 2006 without insuring that the proper steps were taken to have the Express Mail package timely deposited in the USPS pickup mailbox placed in the lobby." Mr. Michel opines that the Express Mail receipt was mis-marked or that the Express Mail was not picked up in the lobby on time at the regularly scheduled time on December 13, 2006.

A grantable petition under 37 CFR 1.10(d) must include:

> (1) The filing of a petition promptly after the person becomes aware that the Office has accorded, or will accord, a filing date based upon an incorrect entry by the USPS;

(2) The placement of the "Express Mail" number on the mailing label of the paper(s) or fee(s) that constitutes the correspondence prior to the original mailing by "Express Mail"; and

(3) A showing which establishes, to the satisfaction of the Director, that the requested filing date was the date the correspondence was deposited in the "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day. Any showing pursuant to this paragraph must be corroborated by evidence from the USPS or that came into being after deposit and within one business day of the deposit of the correspondence in the "Express Mail Post Office to Addressee" service of the USPS.

The petition lacks item (3).

The petition is not accompanied by evidence that came into being after deposit and within one day after the deposit of the correspondence as "Express Mail," which evidence may be in the form of a log book containing information such as the "Express Mail" number, the application number, attorney docket number or other such file identification number; the place, date and time of deposit; the time of the last scheduled pick-up for that date and place of deposit; the depositor's initials or signature; and the date and time of entry in the log. Evidence from the USPS may be, for example, the Express Mail Corporate Account Mailing Statement or a statement by an appropriate official of the USPS that, according to a USPS record, the "date-in" on petitioner's Express Mail receipt is erroneous, accompanied by a copy of the relevant USPS record. The petition is not accompanied by the corroborating evidence required by 37 CFR 1.10(d)(3). The statements by Mr. Michel cannot take the place of corroborating evidence lacking in the record. Additionally, the record fails to state whether the on-site USPS mailbox is specifically designated for Express Mail. Further, the USPS Track & Confirm record appears to mitigate away from the fact that the Express Mail package at issue was in fact deposited as Express Mail on December 13, 2006 in accordance with the provisions of 37 CFR 1.10(a). Therefore, since the petition is not accompanied by the corroborating evidence required by 37 CFR 1.10(d)(3), the petition must be dismissed.

Section 1.10(d) permits the Office to correct a USPS "date-in" error when the correspondence is deposited in an Express Mail

drop box prior to the last scheduled pickup of the day; that is, the time clearly marked on the Express Mail drop box, including when the box will be cleared for the last time on the date of deposit. The reason the Office considers correspondence to have been filed as of the date of deposit as "Express Mail" is that this date has been verified by a disinterested USPS employee, through the insertion of a "date in," or other official USPS notation, on the "Express Mail" mailing label. Note that the correspondence must be entrusted either to a postal service employee or an Express Mail drop box for the correspondence to have been deposited as Express Mail Post Office to Addressee service of the USPS within the meaning of 37 CFR 1.10(d). *See* Nitto Chemical Industry Co. Ltd. v. Comer, 39 USPQ 1778, 1781-82 (D.D.C. 1994). That is, consignment of Express Mail correspondence to a first class mail bin at the USPS does not properly entrust the correspondence to the custody of the USPS for purposes of 37 CFR 1.10. *Note also* 37 CFR 1.10(b).

The petition contains the incorrect application number. Petitioner should ensure that the correct identifying data appears on all correspondence to the USPTO to ensure prompt association with the correct application file.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By facsimile: (571) 273-8300
Attn: Office of Petitions

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Correspondence regarding this decision may also be filed through the electronic filing system of the USPTO.

To expedite consideration, petitioner may wish to contact the undersigned regarding the filing of the renewed petition under 37 CFR 1.10(d).

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3218.

Frances Hicks
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Ober, Kaler, Grimes & Shriver
Royal W. Craig
120 East Baltimore Street
Baltimore MD 21202-1643

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MAR 20 2008

In re Application of	:	
David Ammon et al.	:	
Application No. 11/639,061	:	ON PETITION
Filed: December 14, 2006	:	
Attorney Docket No. 026353.078369	:	

This is a decision on the petition, filed on October 19, 2007, which is being treated as a petition requesting that the requirement of 37 CFR 1.10(d) be waived or suspended pursuant to 37 CFR 1.183 in order to accord the instant application a filing date of December 13, 2006 rather than the presently accorded date of December 14, 2006.

The petition is **dismissed.**

In order for grant of any petition under 37 CFR 1.183, the petitioner must show that this is an extraordinary situation where justice requires waiver of the rules. See In re Sivertz, 227 U.S.P.Q. 255,256 (Comm'r Pat, 1985). The record does not show that this condition exists in this case.

The instant petition was filed in response to the petition decision mailed October 19, 2007 which dismissed the petition under 37 CFR 1.10(d) filed February 22, 2007. That petition was dismissed for failing to comply with 37 CFR 1.10(d)(3):

> A showing which establishes, to the satisfaction of the Director, that the requested filing date was the date the correspondence was deposited in the " Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day. Any showing pursuant to this paragraph must be corroborated by evidence from the USPS or that came into being after deposit and within one business day of the deposit the correspondence in the "Express Mail Post Office to Addressee" service of the USPS.

The petition dismissal indicated that the petition filed February 22, 2007 was not accompanied by the corroborating evidence required by 37 CFR 1.10(d)(3). Reference is made to that decision for a discussion on what such evidence is required.

Petitioner states in the instant petition that he is unable to provide either a statement from the USPS or an Express Mail Log. It is not clear from this statement what efforts were extended to secure a statement from the USPS. Further, it is not clear if petitioner keeps an Express Mail log as part of his normal business practice. Petitioner further indicates that the "Express Mail pick-up time was non existent and therefore impossible to make it at all to the main post office on that day and therefore to receive the date-in of December 13, 2006." This statement is confusing at best, it is not clear what is meant by "Express Mail pickup time was non existent".

The instant petition does include as an appendix A, copies of the Lobby Attendant's Daily Activity Report for December 12, 2006 and December 13, 2006. The report for December 12 shows an entry at 1750 (5:50PM) "Postal Services has made final pick up". The December 13 report shows a "12:40 U.S mail in/out" with no later Postal Service activity noted for that day. There is no verified statement from the lobby attendant as to how accurate the log is or whether he was aware of why there was no evening Postal Service pickup listed in the log. Additionally, it is noted that the report for December 12 appears to be more detailed than that of December 13. In this regard, it is noted that the December 12 report lists pick-ups by USPS, Fed Ex, DHL and UPS. The December 13 report lists no pick-ups from any of these. As the reports were initialed by different persons it appears as though various lobby attendants fill out these reports in various manners and as such the accuracy of the December 13 log is questionable.

37 CFR 1.10(b) states "Persons dealing indirectly with the employees of the USPS (such as by deposit in an "Express Mail drop box) do so at the risk of not receiving a copy of the "Express Mail" mailing label with the desired "date-in" clearly marked." Petitioner's decision to use the USPS "Express Mail" drop box in the lobby of his office building rather than dealing directly with a Postal Service employee was a circumstance entirely within the control of petitioner and does not constitute an extraordinary situation such that justice requires waiver of the rules.

Telephone inquiries regarding this communication should be directed to Carl Friedman at (571) 272-6842.

David Bucci
Petitions Examiner
Office of Petitions

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RISSMAN JOBSE HENDRICKS & OLIVERIO, LLP
ONE STATE STREET
SUITE 800
BOSTON MA 02109

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OFFICE OF PETITIONS

In re Application of	:	
Kyle B. Clark, et al.	:	
Application No. 11/639,070	:	DECISION ON PETITION
Filed: December 14, 2006	:	TO MAKE SPECIAL UNDER
Attorney Docket No. O0003/7007	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed January 31, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a declaration statement signed by applicant Valery Kagan. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit3742 for action on the merits commensurate with this decision.

April M. Wise
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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SAND & SEBOLT
AEGIS TOWER, SUITE 1100
4940 MUNSON STREET, NW
CANTON, OH 44718-3615

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NOV 10 2008

In re Application of	:	
FAWCETT, Christopher J. et al.	:	
Application No. 11/639,100	:	DECISION ON PETITION
Filed: December 14, 2006	:	TO WITHDRAW
Attorney Docket No. **2441016US2AP**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 02, 2008.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to Sand & Sebolt has been revoked by the assignee of the patent application on October 09, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to Michelle R. Eason at 571-272-4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **ADAMS INTELLECTUAL PROPERTY LAW, P.A.**
SUITE 2350 CHARLOTTE PLAZA
201 SOUTH COLLEGE STREET
CHARLOTTE NC 28244

UNITED STATES PATENT AND TRADEMARK OFFICE

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SAND & SEABOLT
4940 MUNSON STREET NW, SUITE 1100
CANTON, OH 44718-3615

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DEC 22 2008

In re Application of	:	
Dennis D. **BELDEN JR. et al.**	:	
Application No. 11/639,102	:	DECISION ON PETITION
Filed: December 14, 2006	:	TO WITHDRAW
Attorney Docket No. **3719/63US**	:	FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 2, 2008.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to **SAND & SEABOLT** has been revoked by the assignee of the patent application on October 9, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-7253.

/Monica A. Graves/
Petitions Examiner
Office of Petitions

cc: **ADAMS INTELLECTUAL PROPERTY LAW, PA.**
201 SOUTH COLLEGE STREET, SUITE 2350
CHARLOTTE PLAZA
CHARLOTTE, NC 28244

UNITED STATES PATENT
AND TRADEMARK OFFICE

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P.O. Box 1450
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Date Mailed: September 9, 2008
Patent No. 7,372,743 B2
Ser. No. :11/639128
Inventor(s) :Masaru Yano, et al.
Title :CONTROLLING A NONVOLATILE STORAGE DEVICE

Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 and/or 1.323.

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing ***incorrect or erroneous*** assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 *(see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481).* This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

In view of the foregoing, your request is hereby denied.

A request to correct the Assignee under 37 CFR 3.81(b) should include:

A. **the processing fee set forth in 37 CFR 1.117(h) (currently $130);**
B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-0025
ATTN: Office of Petitions

If a fee (currently $100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, no additional fee is required.

Magdalene Talley
For Mary F. Diggs, Supervisor
Decisions & Certificates
of Correction Branch
(703) 308-9390 ext. 116

Murabito, Hao & Barnes, LLP
Two North Market Street, 3rd Fl.
San Jose, CA 95113

MD/mt

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FRISHAUF, HOLTZ, GOODMAN & CHICK, PC
220 Fifth Avenue
16TH Floor
NEW YORK NY 10001-7708

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MAR 12 2010

In re Applications of	:	
Yuki Abe et al.	:	
Application No. 11/639,130	:	ON PETITION
Filed: December 14, 2006	:	
Attorney Docket No. 01149D1/HG	:	

This is a decision on the letter filed June 24, 2008, which is being treated as a petition for refund under 37 CFR 1.181.

The petition is **DISMISSED**.

A review of the file indicates the following:

The application was filed on December 14, 2006.

A first request for refund was filed February 13, 2007. This first request for refund was not granted in a letter mailed April 10, 2007.

A second request for refund was filed January 23, 2008. The second request for refund was not granted in a letter mailed March 24, 2008.

The instant petition was filed June 24, 2008.

Petitioner requests that the $1,000 application size fee be refunded. The application as filed included a first sequence listing of 214 pages. A second sequence listing of 214 pages was also filed as part of the original application. Petitioner was charged for both sequence listings. Petitioner avers that the second listing was not meant to be part of the actual application but rather was an attachment to the statement under 37 CFR 1.821(e). Petitioner argues that the second listing is identical to the first listing except for the fact that the pages are not numbered whereas the pages were numbered for the first listing. Petitioner indicates that he should not be charged for both sequence listings and should be refunded the $1,000 charge for application size fee.

37 CFR 1.26(a) states, in part, that:

> "The Director may refund any fee paid by mistake or in excess of that required"

In the present situation, petitioner purposely filed the second sequence listing. There was no requirement to file the second listing. Petitioner states the second listing was an attachment to the statement under 37 CFR 1.821(e) but such a statement is directed to the requirement for submission of the listing in computer readable form and does not require or even suggest the need for what amounts to a courtesy paper copy of the sequence. Petitioner filed this second listing on his own initiative. Since the second listing was filed with the original application it was properly treated as an additional sequence listing. If a sequence listing is submitted on paper, as petitioner did, it will be counted with the specification and drawings of the application and the pages of the sequence listing will be counted for the purpose of determining the application size fee. Petitioner was properly charged for both sequence listings and the $1,000 application size fee was neither paid by mistake or deemed in excess of that required. For this reason, the petition is dismissed.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300.**

Telephone inquiries concerning this decision should be directed to the Carl Friedman at (571) 272-6842.

Anthony Knight
Supervisor
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN, NJ 08830

Mail Date: 05/06/2010

Applicant	: Herbert Kemeth	: DECISION ON REQUEST FOR
Patent Number	: 7646844	: RECALCULATION of PATENT
Issue Date	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/639,150	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/14/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **474** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BOX 401
TORONTO ON M5H 3Y2 CA CANADA

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JUN 29 2007
OFFICE OF PETITIONS

In re Application of Vincenzo Gentile Application No. 11/639188 Filing or 371(c) Date: 12/15/2006 Attorney Docket Number: 10289-13/VK	: : : : : :	DECISION DISMISSING PETITION UNDER 37 CFR 1.47(b)

This is in response to the Petition Under 37 C.F.R. § 1.47(b), filed April 5, 2007, to allow a person to whom an inventor has assigned or agreed in writing to assign the invention, or who otherwise shows sufficient proprietary interest in the matter justifying such action, to make application on behalf of and as agent for all inventors.

The petition is **dismissed**.

Rule 47 applicant is given TWO (2) MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(b)", and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. Failure to respond will result in abandonment of the application. Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed December 15, 2006, without an executed oath or declaration. In response, this Office mailed a Notice to File Missing Parts of Nonprovisional Application ("Notice") on January 12, 2007, requiring, *inter alia*, a fully executed oath or declaration.

In response to the Notice, Applicant files the instant petition, and includes an "Authorization to Sign 37 CFR 1.83 Declaration on Behalf of Non-signing Inventor", authorizing its President and Chief Executive Officer, John Di Poce to sign the Declaration on behalf of the nonsigning inventor; however, the oath/declaration filed with the petition is not signed.

Applicable Law

A grantable petition under 37 CFR 1.47(b) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; (4) a statement of the last known address of the non-signing inventor(s); (5) proof of proprietary interest; and (6) proof of irreparable harm. Applicant lacks item (2) as set forth above.

As to item (2), the Office notes that pursuant to Section 409.03(b)(A) of the Manuel for Patent Examining Procedure:

> The 37 CFR 1.47(b) applicant must make the oath required by 37 CFR 1.63 and 1.64 or 1.175. Where a corporation is the 37 CFR 1.47(b) applicant, an officer (President, Vice President, Secretary, Treasurer, or Chief Executive Officer thereof should normally sign the necessary oath or declaration. A corporation may authorize any person, including an attorney or agent registered to practice before the U.S. Patent and Trademark Office, to sign the application oath or declaration on its behalf. Where an oath or declaration is signed by a registered attorney or agent on behalf of the corporation, either proof of the attorney or agent's authority in the form of a statement signed by the appropriate corporate officer must be submitted, or the attorney or agent may simply state that he or she is authorized to sign on behalf of the corporation.
> Where the oath or declaration is being signed on behalf of the assignee, see MPEP § 324. An inventor may not authorize another individual to act as his or her agent to sign the application oath or declaration on his or her behalf. *Steager v. Commissioner*, 189 USPQ 272 (D.D.C. 1976), *In re Striker*, 182 USPQ 507 (Comm'r Pat. 1973). Where an application is executed by one other than the inventor, the declaration required by 37 CFR 1.63 must state the full name, residence, post office address, and citizenship of the nonsigning inventor. Also, the title or position of the person signing must be stated if signing on behalf of a corporation under 37 CFR 1.47(b).

Applicant must file an oath or declaration which includes the inventor information and is executed by a proper party as outlined above, to include the title or position of the person signing the oath or declaration. A properly executed oath or declaration for the above-identified application is required.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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TORONTO ON M5H 3Y2 CA CANADA

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SEP 20 2007

OFFICE OF PETITIONS

In re Application of	:	
Vincenzo Gentile	:	
Application No. 11/639188	:	DECISION GRANTING
Filing or 371(c) Date: 12/15/2006	:	PETITION UNDER
Attorney Docket Number:	:	37 CFR 1.47(b)
10289-13/VK	:	

This is in response to the Request for Reconsideration of Petition Under 37 C.F.R. § 1.47(b), filed July 24, 2007, to allow a person to whom an inventor has assigned or agreed in writing to assign the invention, or who otherwise shows sufficient proprietary interest in the matter justifying such action, to make application on behalf of and as agent for all inventors.

The petition is **granted**.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(b). This application is hereby accorded Rule 1.47(b) status.

Petitioner has shown that the non-signing inventor, Vincenzo Gentile, refuses to join in the application.

As provided in Rule 1.47, this Office will forward notice of this application's filing to the non-signing inventors at the addresses given in the Petition. Notice of the filing of this application will also be published in the Official Gazette.

The application file is being referred to the Office of Initial Patent Examination for continued processing.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3232.

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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MR. VINCENZO GENTILE
38 ALMORE AVENUE
TORONTO ON M3H 2H1
CANADA

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SEP 20 2007

OFFICE OF PETITIONS

In re Application of	:	
Vincenzo Gentile	:	
Application No. 11/639188	:	LETTER
Filing or 371(c) Date: 12/15/2006	:	
Attorney Docket Number:	:	
10289-13/VK	:	

Dear Mr. Gentile:

You are named as the inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(b), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As the inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3232. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Derek L. Woods
Attorney
Office of Petitions

cc: BERESKIN AND PARR
40 KING STREET WEST
BOX 401
TORONTO ON M5H 3Y2 CA CANADA

UNITED STATES PATENT AND TRADEMARK OFFICE

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40 KING STREET WEST
BOX 401
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CANADA

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AUG 30 2007

OFFICE OF PETITIONS

In re Application of	:	
Mark Divito et al	:	DECISION GRANTING STATUS
Application No. 11/639,193	:	UNDER 37 CFR 1.47(a)
Filed: December 15, 2006	:	
Attorney Docket No. 10289-11	:	

This is in response to the petition under 37 CFR 1.47(a), filed March 22, 2007.

The petition is **GRANTED.**

Petitioner has shown that the non-signing inventor has refused to join in the filing of the above-identified application.

The application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This application is being referred to the Office of Initial Patent Examination for pre-examination processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3208.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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VINCENZO GENTILE
36 ALMORE AVENUE
TORONTO ONTARIO
CANADA

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AUG 3 0 2007

OFFICE OF PETITIONS

In re Application of
Mark Divito et al
Application No. 11/639,193
Filed: December 15, 2006
For: BEAM-COLUMN CLAMP

Dear Mr. Gentile:

You are named as a co-inventor in the above-identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a co-inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3208. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (571) 272-3150 or 1 (800) 972-6382 (outside the Washington, DC area).

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

cc:
BERESKIN AND PARR
40 KING STREET WEST
BOX 401
TORONTO ON M5H 3Y2 CA CANADA

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JUN 0 4 2008

OFFICE OF PETITIONS

In re Application of	:	
Roscetti et al.	:	DECISION REFUSING STATUS
Application No. 11/639,194	:	UNDER 37 CFR 1.47(a)
Filed: December 15, 2006	:	
Attorney Docket No. 10289-10	:	

This is in response to the petition under 37 CFR 1.47(a), filed March 22, 2007.

The petition is **dismissed**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Any extensions of time will be governed by 37 CFR 1.136(a).

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor. Applicant lacks items (1) and (2).

As to item (1), the evidence fails to demonstrate that inventor Vincenzo Gentile refused to sign the declaration. An email from Vincenzo Gentile, in response to a letter to him from petitioner, is provided as evidence that Mr. Gentile refused to sign the declaration. However, in that email dated March 16, 2007, Mr. Gentile states: "I will assign all my relevant patent rights to Grant Steel Corp. upon receipt of payment of all outstanding invoices for all professional services rendered to Di Poce Management Limited by myself." This email is titled "Assignment of Patent Rights" and is directed entirely to assignment without mention of the declaration. Due to the focus on assignment, this email does not expressly or implicitly indicate a refusal to sign the declaration. Accordingly, this email does not support petitioner's contention that inventor Gentile refused to sign the declaration.

As to item (2), an oath or declaration for the patent application in compliance with 37 CFR 1.63 and 1.64 has not been presented. The declaration does not clearly set forth the citizenship of the inventor Robert McCrudden. Adjacent to Mr. McCrudden's signature on the declaration submitted March 22, 2007, the terms "Citizen of:" are canceled. Although the country of Canada is noted on the Application Data Sheet and in the line next to the canceled terms "Citizen of:", the strikethrough over "Citizen of:" suggests that the Canadian citizenship is not correct. A new oath or declaration in compliance with 37 CFR 1.63 and 1.64 signed by the other co-inventors on behalf of themselves and on behalf of non-signing inventor Gentile is REQUIRED. See MPEP 409.03(a). All the co-inventors must sign the new declaration that lists Mr. McCrudden's citizenship because they are attesting that this information is true to the best of their knowledge.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Telephone inquiries should be directed to Christopher Bottorff at (571) 272-6692.

David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Alexandria, VA 22313-1450
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OCT 07 2009

October 5, 2009

Greenblum & Bernstein, P.L.C.
1950 Roland Clarke Place
Reston, Virginia 20191

In re Application of:	:	**DECISION ON PETITION**
Philippe MIETTE et al.	:	**REGARDING REQUEST TO**
Application No. 11/639,289	:	**WITHDRAW FINALITY**
Filed: December 15, 2006	:	**UNDER 37 CFR 1.181**

This is in response to the petition filed on June 30, 2009 under 37 CFR 1.181 requesting the withdrawal of the finality of the Office action mailed April 29, 2009 as being premature.

The petition is **GRANTED.**

Applicant alleges that the Final rejection mailed April 29, 2009 was premature in accordance with the guidelines of MPEP 706.07(a) and 706.07(d) in that the new rejections of claims 1 and 12 were not necessitated by applicant's amendments.

A review of the record reveals that the applicant is correct. Claim 1 was amended to include the limitations of dependent claim10, and claim 12 was rewritten in independent form. However, new grounds of rejections were provided for claims 1 and 12, and such were not necessitated by applicant's amendments.

The finality of the Office action mailed April 29, 2009, but not the action itself, is hereby vacated. The Office action of April 29, 2009 is now considered to be non-final and the shortened statutory period for response continues to run THREE (3) MONTHS from the date of mailing of the Office action, i.e. three (3) months from April 29, 2009.

A reply was received on July 29, 2009 and is now entered as a matter of right. An action on the merits from the examiner will be forth coming.

Telephone inquiries should be directed to Paul N. Dickson, Supervisory Patent Examiner, at (571) 272-7742.

Frederick Schmidt, Director
Patent Technology Center 3600
(571) 272-5150

pnd/snm: 10/05/2009

SM

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/639,294	12/15/2006	Ho-min Lim	0001.1238	4030

7590 12/19/2008
STEIN, MCEWEN & BUI, LLP
1400 EYE STREET, NW
SUITE 300
WASHINGTON, DC 20005

EXAMINER
NGO, HOANG X

ART UNIT	PAPER NUMBER
2852	

MAIL DATE	DELIVERY MODE
12/19/2008	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Betty Powell

Patent Publication Branch
Office of Data Management

Adjustment date: 12/22/2008 BPOWELL
12/18/2006 SDENBOB1 00000017 11639294
02 FC:1111 -500.00 OP

Repln. Ref: 12/22/2008 BPOWELL 0014061400
DA#:182220 Name/Number:11594885
FC: 9204 $1000.00 CR

FORM PET651G (Rev. 08/07)

Adjustment date: 12/22/2008 BPOWELL
12/18/2006 SDENBOB1 00000017 11639294
02 FC:1111 -500.00 OP

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

STEIN MCEWEN, LLP
1400 EYE STREET NW, SUITE 300
WASHINGTON, DC 20005

MAILED

OCT 09 2009

OFFICE OF PETITIONS

In re Application of
Gye-Jong LIM, et *al.*
Application No. 11/639,306
Filed: December 15, 2006
Attorney Docket No. **0009.1028**

DECISION GRANTING PETITION
UNDER 37 CFR 1.313(c)(2)

This is a decision on the petition under 37 CFR 1.313(c)(2), filed October 7, 2009, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on August 31, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 2838 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

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[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form* ***must*** *be completed and timely submitted to avoid abandonment of the application.*

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
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DONALD J. ERSLER, S.C.
725 GARVENS AVENUE
BROOKFIELD, WI 53005

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SEP 30 2008

OFFICE OF PETITIONS

In re Application of :
Roger G. MILLER :
Application No. 11/639,357 : DECISION ON PETITION
Filed: December 15, 2006 :
Attorney Docket No. 1696 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 12, 2008, to revive the above-identified application.

The petition is **DISMISSED** as moot.

A review of the record indicates a Notice of Allowance and Fee(s) Due was mailed August 8, 2008, which set a statutory period for reply of three (3) months. The Issue fee was paid with the petition filed August 12, 2008. Since the Issue fee was paid prior to the due date of November 10, 2008, the application is not abandoned. Accordingly, the petition fee of $770 will be refunded by Treasury Check.

Telephone inquiries concerning this decision should be directed to Diane Goodwyn at (571) 272-6735.

The application is being referred to the Office of Data Management for processing into a patent.

Thurman Page
Petitions Examiner
Office of Petitions

Recd 8/12/08

PTO/SB/64 (01-08)
Approved for use through 02/29/2008. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)

Docket Number (Optional) 1696

First named inventor: Roger G. Miller

Application No.: 11/639,357 Art Unit: 3749

Filed: December 15, 2006 Examiner: Kenneth B. Rinehart

Title: Sediment And Sludge Dewatering By Vacuum Bag Method

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

Refund Ref:
10/01/2008 0030061788

Credit Card Refund Total: $770.00

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

Master C: XXXXXXXXXXXX7113

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:
(1) Petition fee;
(2) Reply and/or issue fee;
(3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
(4) Statement that the entire delay was unintentional.

1. Petition fee
☑ Small entity-fee $ 770.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity – fee $ _____ (37 CFR 1.17(m))

2. Reply and/or fee
A. The reply and/or fee to the above-noted Office action in the form of _____(identify type of reply):

☐ has been filed previously on _____.
☐ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of $ _____.
☐ has been paid previously on _____.
☐ is enclosed herewith.

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Adjustment date: 10/01/2008 CKHLOK
08/12/2008 INTEFSW 00005396 11639357
01 FC:2453 -770.00 OP

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

☑ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of $ _____ for a small entity or $ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Signature	8/12/2008 Date
Donald J. Ersler Typed or printed name	38,753 Registration Number, if applicable
725 Garvens Avenue Address	262-785-0160 Telephone Number
Brookfield, WI 53005 Address	

Enclosures:
- ☐ Fee Payment
- ☐ Reply
- ☐ Terminal Disclaimer Form
- ☐ Additional sheets containing statements establishing unintentional delay
- ☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

Date	Signature
	Typed or printed name of person signing certificate

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

NOTICE OF ALLOWANCE AND FEE(S) DUE

44649 7590 08/08/2008

DONALD J. ERSLER, S.C.
725 GARVENS AVENUE
BROOKFIELD, WI 53005

EXAMINER	
RINEHART, KENNETH	
ART UNIT	PAPER NUMBER
3749	

DATE MAILED: 08/08/2008

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/639,357	12/15/2006	Roger G. Miller	1696	5082

TITLE OF INVENTION: SEDIMENT AND SLUDGE DEWATERING BY VACUUM BAG METHOD

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	$720	$0	$0	$720	11/10/2008

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PTOL-85 (Rev. 08/07) Approved for use through 08/31/2010.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail **Mail Stop ISSUE FEE**
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax (571)-273-2885

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

44649 7590 08/08/2008

DONALD J. ERSLER, S.C.
725 GARVENS AVENUE
BROOKFIELD, WI 53005

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)

(Signature)

(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/639,357	12/15/2006	Roger G. Miller	1696	5082

TITLE OF INVENTION: SEDIMENT AND SLUDGE DEWATERING BY VACUUM BAG METHOD

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	$720	$0	$0	$720	11/10/2008

EXAMINER	ART UNIT	CLASS-SUBCLASS
RINEHART, KENNETH	3749	034-398000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

(1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1_____

(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2_____ 3_____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE (B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent) : ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

☐ Issue Fee

☐ Publication Fee (No small entity discount permitted)

☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): **(Please first reapply any previously paid issue fee shown above)**

☐ A check is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. **Change in Entity Status** (from status indicated above)

☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.

☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____ Date _____

Typed or printed name _____ Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/639,357	12/15/2006	Roger G. Miller	1696	5082

44649 7590 08/08/2008
DONALD J. ERSLER, S.C.
725 GARVENS AVENUE
BROOKFIELD, WI 53005

EXAMINER
RINEHART, KENNETH

ART UNIT	PAPER NUMBER
3749	

DATE MAILED: 08/08/2008

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)
(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 0 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 0 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (http://pair.uspto.gov).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

PTOL-85 (Rev. 08/07) Approved for use through 08/31/2010.

UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND

1 Date of Request: 09/29/08

2 Serial/Patent # 11/639,357

	3 Please refund the following fee(s):	4 PAPER NUMBER	5 DATE FILED	6 AMOUNT
	Filing			$
	Amendment			$
	Extension of Time			$
	Notice of Appeal/Appeal			$
X	Petition	PET.OP	08/12/08	$ 770.00
	Issue			$
	Cert of Correction/Terminal Disc.			$
	Maintenance			$
	Assignment			$
	Other			$

7 TOTAL AMOUNT OF REFUND $ 770.00

8 TO BE REFUNDED BY:

X Treasury Check C.C.

Credit Deposit A/C #:

9 [ ][ ] -- [ ][ ][ ][ ]

10 REASON:

	Overpayment
	Duplicate Payment
X	No Fee Due (Explanation):

No petition needed, no fee due

11 REFUND REQUESTED BY:

TYPED/PRINTED NAME: Diane Goodwyn TITLE: Paralegal

SIGNATURE: /dgoodwyn/ PHONE: 571-272-6735

OFFICE: Petitions

****

THIS SPACE RESERVED FOR FINANCE USE ONLY:

APPROVED: CKhOK DATE: 10/1/08

Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to:

Office of Finance
Refund Branch
Crystal Park One, Room 802B

FORM PTO 1577
(01/90)

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

ROBINS & PASTERNAK
1731 EMBARCADERO ROAD
SUITE 230
PALO ALTO, CA 94303

Mail Date: 04/21/2010

Applicant	: Jin-Soo Kim	: DECISION ON REQUEST FOR
Patent Number	: 7595376	: RECALCULATION of PATENT
Issue Date	: 09/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/639,363	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/14/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **222** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

MUIRHEAD AND SATURNELLI, LLC
200 FRIBERG PARKWAY
SUITE 1001
WESTBOROUGH, MA 01581

Mail Date: 04/21/2010

Applicant	: Phil Libin	: DECISION ON REQUEST FOR
Patent Number	: 7616091	: RECALCULATION of PATENT
Issue Date	: 11/10/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/639,387	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/14/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **352** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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DINSMORE & SHOHL LLP
ONE DAYTON CENTRE, ONE SOUTH
MAIN STREET
SUITE 1300
DAYTON OH 45402-2023

COPY MAILED
OCT 28 2008

In re Application of	:	
Desi-Seulean et al	:	
Application No. 11/639,440	:	DECISION ON PETITION
Filed: December 14, 2006	:	
Attorney Docket No. HAU 0005	:	
PA/41138.5	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 19, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of the required filing fee; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the notices mailed January 11, 2007 and July 22, 2008, is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

This application is being referred to the Office of Patent Application Processing for pre-examination processing.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

LAW OFFICE OF RAYMOND A. NUZZO, LLC
579 THOMPSON AVENUE
EAST HAVEN, CT 06512

COPY MAILED

DEC 29 2008

OFFICE OF PETITIONS

In re Application of	:	
Yuen Wa Tai	:	
Application No. 11/639,448	:	ON PETITION
Filed: December 15, 2006	:	
Attorney Docket No. SUN 10300	:	

This is a decision on the petition under 37 CFR 1.137(b), filed November 20, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed April 4, 2008, which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on June 5, 2008.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 2856 for further processing.

Irvin Dingle
Petitions Examiner
Office of Petitions

Attorney Docket No.: FRO/208/US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of: Howard A. FROMSON et al.

Serial No.: 11/639456 Examiner:

Filing Date: 12-15-06 Group Art Unit: 1752

FOR: UNIVERSAL SPRAY PROCESSOR FOR IMAGED PLATES

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO MAKE SPECIAL BECAUSE OF APPLICANT'S AGE
(37 CFR 1.102(c) AND MPEP 708/02 IV)

Applicants hereby petition to make this application special because co-inventor Howard A. Fromson is over 65 years of age.

As a showing of this fact, accompanying this petition is a declaration by inventor Fromson that he is over 65 years of age.

No fee is required with this petition in accordance with 37 CFR 1.102(c).

L. James Ristas
Registration No. 28,663
Alix, Yale & Ristas, LLP
Attorney for Applicant

Date: December 15, 2006
750 Main Street
Hartford, CT 06103-2721
(860) 527-9211
Our Ref: FRO/208/US

Mailing Receipt

I hereby certify that this correspondence is being deposited on the date given below with the United States Post Office Service as Express Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: Dec. 15, 2006

L. James Ristas, Reg. No. 28,663

JAN 25 2007

PETITION GRANTED

William Krynski
Special Program Examiner
Technology Center 1700

G:\AYR saved docs\Filing Docs\Fro\fro208us\fro208us121306petitioncover.doc

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

ALIX YALE & RISTAS LLP
750 MAIN STREET
SUITE 1400
HARTFORD CT 06103

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JUN 0 1 2007

OFFICE OF PETITIONS

In re Application of	:	
Howard A. Fromson et al.	:	
Application No. 11/639,462	:	DECISION ON PETITION
Filed: December 15, 2006	:	TO MAKE SPECIAL UNDER
Attorney Docket No. FRO/207/US	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed December 15, 2006, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement from the applicant, Howard A. Fromson declaring that he is 65 years of age or older. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Terri Williams at 571-272-2991.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 2851 for action on the merits commensurate with this decision.

Terri Williams

Terri Williams
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

SAWYER LAW GROUP LLP
PO BOX 51418
PALO ALTO, CA 94303

COPY MAILED

MAR 2 1 2008

OFFICE OF PETITIONS

In re Application of	:	
Darwin Gene ENICKS	:	
Application No. 11/639,464	:	DECISION ON PETITION
Filed: December 15, 2006	:	TO WITHDRAW
Attorney Docket No. 3966P		FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 11, 2008.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request cannot be approved because the attorneys of record were not appointed by customer number.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

There are no outstanding Office actions pending at the present time.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6735.

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: SCHWEGMAN, LUNDBERG
& WOESSNER/ATMEL
P.O. BOX 2938
MINNEAPOLIS, MN 55402

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

KATHLEEN R. TERRY
13840 JOHNSON STREET, NE
HAM LAKE, MN 55304

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DEC 29 2009

OFFICE OF PETITIONS

In re Application of :
Dean MCCARTER :
Application No. 11/639,476 :
Filed: December 15, 2006 :
Attorney Docket No. BP.025US2 :

ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 05, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Pre-Exam Formalities (Notice) mailed January 18, 2007, which set a shortened statutory period for reply of two (2) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on March 19, 2007.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of the required fees and oath or declaration; (2) the petition fee of $810; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice of January 18, 2007 is accepted as having been unintentionally delayed.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

An extension under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. *See* In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the $865 extension of time fee submitted with the petition on October 5, 2009 was subsequent to the maximum extendable period for reply, petitioner may request a refund of this

fee by writing to the following address: Mail Stop 16, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. A copy of this decision should accompany petitioner's request.

Telephone inquiries concerning this decision should be directed to Ella Colbert at (571) 272-6051 or in her absence, the undersigned at (571) 272-7099.

The application file is being referred to the Office of Patent Processing.

David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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HICKMAN PALERMO
TRUONG & BECKER LLP/YAHOO! INC.
2055 GATEWAY PLACE, SUITE 550
SAN JOSE, CA 95110-1083

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APR 13 2009

OFFICE OF PETITIONS

In re Application of
Xin Li et al
Application No. 11/639,492
Filed: December 14, 2006
Attorney Docket No. 50269-0866

ON PETITION

This is a decision on the petition, filed April 9, 2009 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on February 27, 2009 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 2163 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Amendment.

Irvin Dingle
Petitions Examiner
Office of Petitions

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[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

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UNITED STATES DEPARTMENT OF COMMERCE
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HICKMAN PALERMO TRUONG & BECKER LLP/Yahoo! Inc.
2055 Gateway Place
Suite 550
San Jose, CA 95110-1083

Mail Date: 04/21/2010

Applicant	: Xin Li	: DECISION ON REQUEST FOR
Patent Number	: 7630978	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/639,492	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/14/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **141** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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MAY 19 2010

OFFICE OF PETITIONS

MORRISON & FOERSTER, LLP
555 WEST FIFTH STREET
SUITE 3500
LOS ANGELES CA 90013-1024

In re Application of	:	
LEVETT, David	:	
Application No. 11/639,513	:	DECISION ON PETITION
Filed: December 15, 2006	:	TO WITHDRAW
Attorney Docket No. **615112000300**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 02, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by G. Peter Albert, Jr. on behalf of all attorneys of record who are associated with customer No. 25224. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor David Levett at the address indicated below.

There are no outstanding Office actions at this time.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4231.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **DAVID LEVETT**
52 ARETHUSA WAY, BISLEY, WOKING
SURREY, ENGLAND GU249BX
UNITED KINGDOM

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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E I DU PONT DE NEMOURS AND COMPANY
LEGAL PATENT RECORDS CENTER
BARLEY MILL PLAZA 25/1122B
4417 LANCASTER PIKE
WILMINGTON DE 19805

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JUL 15 2010

OFFICE OF PETITIONS

In re Application of	:	
Subhotosh KHAN et al.	:	
Application No. 11/639,550	:	DECISION ON PETITION
Filed: December 15, 2006	:	
Attorney Docket No. HT4352USNA	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 14, 2009, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before November 12, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed August 12, 2009. Accordingly, the date of abandonment of this application is November 13, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $1,510.00 and the publication fee of $300.00, (2) the petition fee of $1,620.00; and (3) a proper statement of unintentional delay. Accordingly, the issue and publication fees are accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4231.

This application is being referred to Publishing Division for processing into a patent.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

ZAGORIN O'BRIEN GRAHAM LLP
7600B NORTH CAPITAL OF TEXAS HIGHWAY
SUITE 350
AUSTIN, TX 78731

Mail Date: 04/21/2010

Applicant	: Scott Loughmiller	: DECISION ON REQUEST FOR
Patent Number	: 7653606	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/639,554	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/15/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **154** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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YAHOO C/O MOFO PALO ALTO
755 PAGE MILL ROAD
PALO ALTO, CA 94304

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JUN 15 2009

OFFICE OF PETITIONS

In re Application of :
Mor Naaman et al :
Application No. 11/639,563 :
Filed: December 15, 2006 :
Attorney Docket No. 324212015100 :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed May 11, 2009, to revive the above-identified application.

The petition is **GRANTED.**

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed October 17, 2008, which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on January 18, 2009.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 2163 for further processing.

Irvin Dingle
Petitions Examiner
Office of Petitions

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MAY 17 2010

OFFICE OF PETITIONS

YAHOO! INC. C/O GREENBERG TRAURIG, LLP
MET LIFE BUILDING
200 PARK AVENUE
NEW YORK, NY 10166

In re Application of	:	
Mor Naaman et al	:	
Application No. 11/639,563	:	DECISION ON PETITION
Filed: December 15, 2006	:	TO WITHDRAW
Attorney Docket No. 085804-708700	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed March 23, 2010.

The request is **APPROVED**.

A review of the file record indicates that Robert A. Saltzberg: (1) does not have power of attorney in this patent application; and (2) has been employed or otherwise engaged in the proceedings in this patent application. In view of the present decision, Robert A. Saltzberg has been withdrawn from the present application and may not prepare or submit papers under 37 C.F.R. § 1.34, or correspond in any manner in this application unless appointed in an acceptable power of attorney under 37 C.F.R. § 1.32(b).

Telephone inquires concerning this decision should be directed to Irvin Dingle at 571-272-3210.

Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Robert A. Saltzberg
Morrison & Foerster LLP
425 Market Street
San Francisco, CA 94105-2482

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BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO IL 60610

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SEP 28 2009

OFFICE OF PETITIONS

In re Patent No. 7,528,409
Issued: May 5, 2009
Application No. 11/639,567
Filed: December 15, 2006
Attorney Docket No. 12576-7068
(F06-0606US001)

: LETTER REGARDING
: PATENT TERM ADJUSTMENT
: and
: NOTICE OF INTENT TO ISSUE
: CERTIFICATE OF CORRECTION

This letter is in response to the REQUEST FOR REVIEW OF PATENT TERM ADJUSTMENT filed June 24, 2009. Pursuant to patentees' duty of good faith and candor to the office, patentees request that the determination of patent term adjustment under 35 U.S.C. 154(b) be reviewed for accuracy.

The request for review of the patent term adjustment is **GRANTED**.

Patentees are given **THIRTY (30) DAYS or ONE (1) MONTH, whichever is longer,** from the mail date of this decision to respond. No extensions of time will be granted under § 1.136.

The patent term adjustment indicated in the patent is to be corrected by issuance of a certificate of correction showing a revised Patent Term Adjustment of THIRTY-EIGHT (38) days.

On May 5, 2009, the above-identified application matured into U.S. Patent No. 7,528,409 with a revised patent term adjustment of 59 days. On June 24, 2009, Patentees submitted the instant comment. Patentees disclose that the patent term adjustment of 59 days indicated on the front of the patent may extend the term of this patent by too many days.

The record reveals that patentees should have been assessed a reduction under 37 CFR 1.704(c)(10) for the filing of a Substitute Declaration on April 15, 2009, after the mailing of the Notice of Allowance. The Office did not address the Substitute Declaration before the issuance of the patent on May 5, 2009. Thus, a period of reduction of 21 days should have been assessed pursuant to 37 CFR 1.704(c)(10) for the period beginning on the date the Substitute Declaration was filed, April 15, 2009, and ending on the date the patent issued, May 5, 2009. Accordingly, a period of reduction of 21 days will be entered.

In view thereof, the patent should have issued with a revised patent term adjustment of THIRTY-EIGHT (38) days (62 days of Office delay - 24 (2+1+21) days of applicant delay).

As this letter was submitted to advise the Office of an error in patentees' favor, the Office will not assess the $200.00 fee under 37 CFR 1.18(e). The Office thanks patentees for their good faith and candor in bringing this to the attention of the Office.

The application file is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction in order to rectify this error. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by THIRTY-EIGHT (38) days.

Telephone inquiries specific to this decision should be directed to Senior Petitions Attorney Patricia Faison-Ball at (571) 272-3212.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 7,528,409 B2

DATED : May 5, 2009

INVENTOR(S) : Kim et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by (59) days

Delete the phrase "by 59 days" and insert – by 38 days--

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DIW Oct-07

KATHY MANKE
AVAGO TECHNOLOGIES LIMITED
4380 ZIEGLER ROAD
FORT COLLINS CO 80525

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OCT 04 2007

OFFICE OF PETITIONS

In re Application of	:	
Dunn, Owen, and Healy	:	
Application No. 11/639578	:	DECISION ACCORDING STATUS
Filing Date: 12/15/2006	:	UNDER 37 CFR 1.47(a)
Attorney Docket Number:	:	
30050080-02	:	

This is in response to the petition filed under 37 CFR 1.47(a) on 16 August, 2007.

The petition is **GRANTED**.

Petitioners have shown, via the petition signed by registered patent practitioner J. Robert Dean, that the non-signing inventor, Martyn Owen, has refused to sign and return the declaration after having been sent a copy of the application. Specifically, the application papers were mailed to the non-signing inventor by Federal Express, and the inventor refused to accept delivery of them.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventors at the addresses given in the Declaration. Notice of the filing of this application will also be published in the *Official Gazette*.

The address in the petition is different than the correspondence address. A courtesy copy of this decision will be mailed to the address in the petition. All future correspondence, however, will be mailed solely to the address of record.

The application is being referred to the Office of Initial Patent Examination for further processing.

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3231.

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

Cc:

OHLANDT, GREELEY, RUGGIERO & PERLE, LLP
ONE LANDMARK SQUARE, 10TH FLOOR
STAMFORD CT 06901-2682

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PIETRAGALLO GORDON ALFANO BOSICK & RASPANTI, LLP
ONE OXFORD CENTRE, 38TH FLOOR
301 GRANT STREET
PITTSBURGH, PA 15219-6404

Mail Date: 04/21/2010

Applicant	: Shehzaad Kaka	: DECISION ON REQUEST FOR
Patent Number	: 7633699	: RECALCULATION of PATENT
Issue Date	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/639,589	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/15/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **524** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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FROMMER LAWRENCE & HAUG
745 FIFTH AVENUE- 10TH FL.
NEW YORK, NY 10151

Mail Date: 04/21/2010

Applicant	: Jeffrey B. Herman	: DECISION ON REQUEST FOR
Patent Number	: 7604026	: RECALCULATION of PATENT
Issue Date	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/639,614	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/15/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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OFFICE OF PETITIONS

ALLEN HERBERT FLETCHALL
2728 LEISURE WORLD
MESA AZ 85206

In re Application of

Allen H. FLETCHALL
Application No. 11/639,616
Filed: October 18, 2006
Attorney Docket No.

DECISION ON PETITION
TO MAKE SPECIAL UNDER
37 CFR 1.102(c)(1)

This is a decision on the petition under 37 CFR 1.102(c)(1), filed September 24, 2007, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a copy of applicant's birth certificate. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6735.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to Technology Center Art Unit 3634 for action on the merits commensurate with this decision.

Diane Goodwyn
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/639,642	12/15/2006	M. Sherry Ku	AM101932 (36119.193US2)	6793

49598 7590 08/03/2009
WilmerHale/Wyeth
60 STATE STREET
BOSTON, MA 02109

EXAMINER
MAEWALL, SNIGDHA

ART UNIT	PAPER NUMBER
1612	

NOTIFICATION DATE	DELIVERY MODE
08/03/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

teresa.carvalho@wilmerhale.com
sharon.matthews@wilmerhale.com
michael.mathewson@wilmerhale.com

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
11/639642	12/15/2006	M. Sherry Ku	AM101932 (36119.193US2)

CONFIRMATION NO.
6793

Wilmer Hale/Wyeth
60 STATE STREET
BOSTON MA 02109

Date Mailed: August 3, 2009

Response to Letter

This letter is in response to the paper entitled "REQUEST TO WITHDRAW DECLARATION OF EXPRESS ABANDONMENT filed on July 24, 2009 via Electronic Filing System (EFS).

On July 22, 2009, the Office received the original request for express abandonment filed by EFS. The request for express abandonment was dated July 22, 2009. Upon review of the Office record, the Office has determined that the request to withdraw the abandonment was submitted to the Office of Patent Publication prior to the processing of the request for express abandonment. Therefore, the withdrawal is accepted.

The notice of abandonment mailed on July 30, 2009 is hereby withdrawn.

Please note that the request for express abandonment and the withdrawal may cause a reduction on any patent term adjustment accumulated because they caused undue delay in processing of this application. See 37 CFR 1.704.

Telephone inquiries regarding this correspondence should be directed to the Office of Data Management at (571) 272-4200.

Kaletus Buchanan

Kaletus Buchanan
Publication Division
Office of Data Management

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APPL NO.	FILING OR 371(c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	TOT CLMS	IND CLMS
11/639,648	12/15/2006	3724	1130	02894-768001/06731	9	1

CONFIRMATION NO. 6794

CORRECTED FILING RECEIPT

OC000000022782839

26161
FISH & RICHARDSON PC
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

Date Mailed: 03/07/2007

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Reinhold Eichhorn, Idstein, GERMANY;
Detlef Gleich, Friedrichsdorf, GERMANY;
Sebastian Hottenrott, Idstein, GERMANY;
Peter Junk, Seelenberg, GERMANY;
Christof Kleemann, Eschborn, GERMANY;
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Tobias Schwarz, Schmitten, GERMANY;
Jurgen Wolf, Kriftel, GERMANY;

Power of Attorney:

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Donal Tobin--25711
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Robert Nabinger--33431
Kevin Johnson--35558
Edward Podszus--35983
James Babineau--42276
Michael Hamlin--54149
David Hoffman--54174

Domestic Priority data as claimed by applicant

This application is a CON of PCT/EP05/06239 06/10/2005

Foreign Applications

GERMANY 10 2004 029 234.5 06/17/2004

If Required, Foreign Filing License Granted: 01/17/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/639,648

Projected Publication Date: 06/14/2007

Non-Publication Request: No

Early Publication Request: No

Title

Electric shaving apparatus

Preliminary Class

030

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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SEP 23 2009

OFFICE OF PETITIONS

CARTER, DELUCA, FARRELL & SCHMIDT, LLP
445 BROAD HOLLOW ROAD
SUITE 420
MELVILLE NY 11747

In re Application of	:	
STENBERG, Are et al.	:	
Application No. 11/639,670	:	DECISION ON PETITION
Filed: December 15, 2006	:	TO WITHDRAW
Attorney Docket No. **1559-2**	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 04, 2009.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by David Carter on behalf of all attorneys of record who are associated with customer No. 31554. All attorneys/agents associated with the Customer Number 31554 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the inventor Are Stenberg at the address indicated below.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **ARE STENBERG**
21 NEDRE SILKESTRA
OLSO 0375
NORWAY

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/639,674	12/14/2006	Michael Wigler	000927-0027-101	6324

1473 7590 01/02/2008
ROPES & GRAY LLP
PATENT DOCKETING 39/361
1211 AVENUE OF THE AMERICAS
NEW YORK, NY 10036-8704

EXAMINER

ART UNIT	PAPER NUMBER
1631	

MAIL DATE	DELIVERY MODE
01/02/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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JAN - 2 2008

ROPES & GRAY LLP
PATENT DOCKETING 39/361
1211 AVENUE OF THE AMERICAS
NEW YORK NY 10036-8704

In re Application of	:
Michael Wigler et al	:
Serial No.: 11/639,674	: PETITION DECISION
Filed: December 14, 2006	:
Attorney Docket No.: 000927-0027-101	:

This is a decision on the PETITION FOR ACCEPTANCE OF COLOR DRAWINGS UNDER 37 CFR 1.84(a)(2). The petition was filed October 12, 2007. Entry of color drawings requires: 1) three sets of the color drawings, 2) a proper amendment to the specification indicating color photographs or drawings are present in the file, and 3) the required fee under 37 CFR 1.17(h).

A review of the application record indicates that the petition meets all of the requirements for acceptance of color drawings. This is not to be construed that all of the drawings are accepted, only that the color drawings are acceptable.

The petition is **GRANTED**.

Should there be any questions with respect to this decision, please contact William R. Dixon, Jr., by mail addressed to: Director, Technology Center 1600, at the address listed above, or by telephone at 571-272-0519 or by facsimile transmission at 571-273-8300.

William R. Dixon, Jr.
Special Program Examiner
Technology Center 1600

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: __

DATE : 4/29/10

TO SPE OF : ART UNIT 3741

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/639,685 Patent No.: 7,634,981

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:
Please review the requested changes/corrections as shown in the COCIN document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code COCX.

FOR PAPER FILES:
Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
South Tower - 9A22
Palm Location 7580

Virginia Tolbert
Certificates of Correction Branch
571-272-0460
Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:
Note your decision on the appropriate box.

X Approved — All changes apply.

□ Approved in Part — Specify below which changes do not apply.

□ Denied — State the reasons for denial below.

Comments:

/Michael Cuff/, SPE, AU 3741

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BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, IL 60610

Mail Date: 04/21/2010

Applicant	: Jae Yong Park	: DECISION ON REQUEST FOR
Patent Number	: 7638803	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 11/639,698	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/14/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **174** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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TAROLLI, SUNDHEIM, COVELL & TUMMINO L.L.P.
1300 EAST NINTH STREET, SUITE 1700
CLEVELAND, OH 44114

Mail Date: 04/27/2010

Applicant	: Dominik Schuetz	: DECISION ON REQUEST FOR
Patent Number	: 7597344	: RECALCULATION of PATENT
Issue Date	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 11/639,702	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/15/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **253** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/639,757	12/15/2006	Moon-Sang Jeong	1398-044	6091

7590 03/23/2010
THE FARRELL LAW FIRM, LLP
290 Broadhollow Road
Suite 210E
Melville, NY 11747

EXAMINER
BATISTA, MARCOS

ART UNIT	PAPER NUMBER
2617	

MAIL DATE	DELIVERY MODE
03/23/2010	PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Mimi Harmes

Patent Publication Branch
Office of Data Management

Adjustment date: 03/23/2010 NPARKER
12/19/2006 MREBALM 00000020 11639757
02 FC:1111 -500.00 OP

FORM PET651G (Rev. 08/07)

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Paper No.

PETER D. AUFRICHTIG
MCCARTHY FINGAR LLP
11 MARTINE AVE 12TH FLOOR
WHITE PLAINS NY 10606

COPY MAILED

JAN 04 2010

In re Application of	:	
Aly Khalifa	:	DECISION ON PETITION
Application No. 11/639,758	:	
Filed: December 15, 2006	:	
Atty Docket No. P-0702	:	

This is in response to the PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a) filed April 8, 2009. This petition is properly treated as a (no-fee) petition to withdraw holding of abandonment.

By Notice of Abandonment mailed February 5, 2009, applicant was advised that the above-identified application was abandoned in view of the letter of express abandonment filed in the application.

In response, applicant timely filed the instant petition. Applicant maintains that the examiner entered the Express Abandonment in error. Further, applicant states that a request for continued examination and amendment after final were filed on December 3, 2008.

A review of the record corroborates applicant's contention that the Express Abandonment was mailed in error. No such request is of record in this application. Further, the examiner confirms that the Notice was sent in error. Moreover, the proper response, an RCE and amendment made timely by a proper extension of time request (and fee payment) is of record in the application. Accordingly, withdrawal of the holding of abandonment is appropriate.

Consideration of the petition to revive based on unavoidable delay is unnecessary. No consideration has been undertaken and no fee has been charged.

Accordingly, the Notice of Abandonment mailed February 5, 2009 and the holding of abandonment are hereby **WITHDRAWN**.

The petition under § 1.181 is **GRANTED**.

No fee is required on petition under § 1.181.

Technology Center AU 3742 has been advised of this decision. The application is, thereby, forwarded to the Technology Center's technical support staff to withdraw the holding of abandonment and for consideration by the examiner of the response timely filed on December 3, 2008.

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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Patrick S. Yoder
FLETCHER YODER
P.O. Box 692289
Houston, TX 77269-2289

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JUN 2 0 2007

OFFICE OF PETITIONS

In re Patent of	:	
Smith et al.	:	
Application No. 11/639788	:	DECISION
Filing or 371(c) Date: 12/15/2006	:	ON PETITION
Attorney Docket Number:	:	
207272-3/YOD NBCU:0004	:	

This is a decision on the "Response to Notice of Omitted Item(s) in a Nonprovisional Application mailed on June 5, 2006, filed March 22, 2007. The petition is properly treated as a petition Under 37 CFR 1.53(e) to establish prior receipt of the drawing(s) at issue. See MPEP 601.01(g). The delay in treating this petition is regretted.

The petition is **granted**.

Background

The application was filed on December 15, 2006. On January 22, 2007, the Office of Initial Patent Examination (OIPE) mailed a Notice of Omitted Item(s) in a Nonprovisional Application (hereinafter "Notice") stating that the application had been accorded a filing date; however, Figure 20 described in the specification appeared to have been omitted from the application.

The instant petition

Applicant files the instant petition and avers that Figure 20 described in the specification was included among 20 sheets of drawings filed with the application on December 15, 2006. In support of this assertion, Applicant provides a copy of a return receipt postcard acknowledging receipt of, *inter alia,* 20 sheets of Formal Drawings by this Office on December 15, 2006.

Applicable Law, Rules and MPEP

"A postcard receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all items listed thereon by the PTO." MPEP § 503.

Accordingly, the petition is granted.

The copy of Figure 20, filed with the instant petition, will be used for examination purposes.

The petition fee has been refunded to Petitioner's deposit account as authorized in the present petition.

The application will be returned to the Office of Initial Patent Examination for further processing with a filing date of December 15, 2006, and an indication that Figure 20 described in the specification was included with the application papers filed on December 15, 2006, using the copy of Figure 20 filed with the present petition.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3232.

Derek L. Woods
Attorney
Office of Petitions

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AT&T Legal Department - SZ
Attn: Patent Docketing
Room 2A-207
One AT&T Way
Bedminster NJ 07921

COPY MAILED
MAR 15 2010

In re Application of	:	
Brian K. Daigle	:	
Application No. 11/639,818	:	DECISION ON PETITION
Filed: December 15, 2006	:	
Attorney Docket No. **050301 CIP**	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 18, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Office action under Ex parte Quayle, 1935 Dec. Comm'r Pat. 11 (1935), mailed April 24, 2009, which set a shortened statutory period for reply of two (2) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on June 25, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment; (2) the petition fee of $1,620; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the JoAnne Burke at (571)272-4584.

This application is being referred to Technology Center AU 2614 for appropriate action by the Examiner in the normal course of business.

JoAnne Burke
Petitions Examiner
Office of Petitions